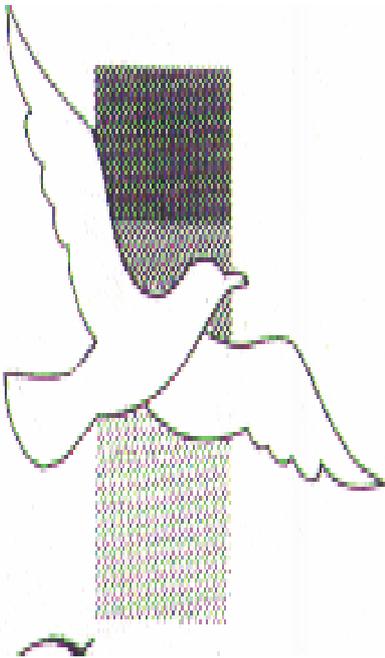


# **Sentenced to Silence**



## *Media Rights Agenda*

**1997 Annual Report on the State of the Media**

# **Sentenced to Silence**

**A Report on the State of the Media in Nigeria in 1997**

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January 1998**

**First Published in 1998 by :**

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## **Foreword**

Annual Reports on the state of human rights are a depressing ritual. Yet, year after year, human rights organizations faithfully catalogue an almost endless stream of abuses of human rights.

This ritual has a great capacity to bring despair to both writer and reader. As each of them progresses in the writing or reading, as the case may be, a feeling of hopelessness sets in.

But annual reports remain a very important aspect of human rights promotion and protection. They serve to remind us of the deplorable condition of humanity during the year under review. To record for posterity, as it were, man's inhumanity to man.

We also continue to hope that by recording these dehumanizing events, we will one day be able to touch the conscience of the abusers, make them realize that they have achieved nothing, and thus inspire a rebirth. A tall hope perhaps. But one which gives meaning to the work we do.

For ourselves, once we can get over the initial despair, the monstrosity that stares us in the face helps to ginger us to take further action and enables us to commit ourselves afresh to the struggle for change.

1997 was a depressing year for the media. But 1998 holds delightful prospects that Nigeria may once again soon experience democracy, however imperfect, after nearly 15 years of continuous military rule. We hope that the democratic set up will create an environment for change.

But the year also brings with it anxieties and fears of another hope betrayed and, for the media, a fate worse than death.

Only time will tell!

**Edetaen Ojo**  
Executive Director  
Media Rights Agenda  
January 1998

## General Overview

Attacks on journalists in Nigeria attained tragic proportions in 1997 as Nigeria's military government and all its security agencies waged a relentless war on the press.

More journalists were arrested and detained or harassed and intimidated in other ways during the year than in any other year in Nigeria's history. Most of the attacks came in the later half of the year.

One media worker died in 1997, two weeks after his release from a five-day detention, as a direct consequence of his incarceration.

In the last quarter of the year, security agents continued to carry out incessant raids, almost on a daily basis, on newspaper and magazine facilities in search of journalists and editors to arrest.

Most of the attacks were directed at *Tell* and the *News* magazines and their staffers as well as newspaper vendors selling their publications. The attacks were motivated for the most part by the magazines' report on the health situation of the Head of State, General Sani Abacha.

The magazines' reports alleged that General Abacha was suffering from a variety of ailments, including cirrhosis, a chronic disease of the liver especially suffered by alcoholics, and that he was very ill. They subsequently continued to publish updates on his alleged deteriorating health conditions.

The two publications remained under virtual perpetual siege between September and December. All over the country, journalists with the magazines were endangered. Most editors and journalists working with *The News* and *Tell* magazines abandoned their offices and operated clandestinely, although their publications continued to come out regularly.

Mercifully, no media organization was shut down or proscribed during the year, although the threat of such an eventuality remained real throughout the year.

Despite lingering problems in the regulation of the broadcast media, independent broadcasting received a boost with the granting of broadcast licenses to nine privately owned companies to operate radio stations, bringing the total number of independent radio stations in the country to 11.

"The Innocent Four", the four news magazine editors jailed for 15 years in 1995 following their conviction after unfair secret trials in July of that year by a military tribunal, remained in prison during the year with little hope of reprieve from a vengeful government.

The journalists were charged with the offence of "accessory after the fact" to treason following stories published by their news magazines in early 1995 on an alleged coup plot to topple the government of General Sani Abacha. The journalists are Chris Anyanwu, editor-in-chief and publisher of *The Sunday Magazine (TSM)*; Kunle Ajibade, editor of *TheNews*; George Mbah, senior assistant editor at *Tell*; and Ben Charles Obi, editor of *Weekend Classique*.

Despite initial claims by the military authorities that the journalists were tried by a military tribunal and jailed for being privy to the coup plot, the Acting Director of Defence Information (DDI), Colonel Anthony Ugbo, unwittingly gave the true reason for their imprisonment while warning journalists in December against publishing “unauthorized” reports on another alleged coup plot reportedly uncovered by the Government at the end of the year.

Colonel Ugbo warned journalists not to make themselves victims of the coup incident through their reports, saying that the military will view seriously any “insinuations and unguarded journalism” about the alleged coup plot.

At a press briefing in Lagos on the alleged coup plot over which the Chief of General staff, Lt. General Oladipupo Diya, and 10 other military officers and a civilian were detained, he said: “...it is unfortunate this is happening again during this Administration. The incident of March 1995 is still fresh in our memory. Most of the people who were involved were pressmen because of their insinuations and unguarded journalism”.

According to Colonel Ugbo, “Most of the reporters arrested in 1995 were reporting on what they did not know. This is the time the media is used in damaging the careers of military personnel. If you write insinuations or false stories and they (security operatives) pick you up, it will be very unfortunate.

“I do not want the media to be involved this time. You should be very, very cautious this time. Avoid rumour. This coup plot story is a very serious matter.”<sup>1</sup>

Anxiety over the welfare of the four jailed journalists heightened in November with the death in prison of former Chief of Staff, Supreme Headquarters (Deputy Head of State), Major-General Shehu Musa Yar’Adua (rtd) – one of the 43 persons convicted by the special military tribunal over the 1995 alleged coup plot.

All the journalists are known to suffer from different ailments and are held in special and punitive conditions, which include solitary confinement, without adequate medical facilities.

Anyanwu was transferred during the year from Gombe Prison in Bauchi State, where she has been held since 1995, to Kaduna Prison as a result of the deterioration in her health conditions.

Regrettably, when the National Committee on the Prerogative of Mercy, headed by the then Attorney-General of the Federation and Minister of Justice, Chief Michael Agbamuche (SAN), visited Kaduna Prison on June 19, it declined to meet with Anyanwu, although the Committee’s members met with other inmates of the prison to hear complaints on their cases and the conditions of the prison.

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<sup>1</sup> See “Coup billed for Sunday, says Military”, *The Guardian newspaper*, Vol. 14, No. 6,981 of Tuesday, December 23, 1997, pp 1 and 2.

## **BROADCASTING**

In October, the then Minister of Information and Culture, Dr. Walter Ofonagoro, announced that the Head of State, General Sani Abacha, had granted approval to nine privately owned companies to operate independent radio stations at different locations across the country.

The new stations brought to 11 the number of privately-owned radio stations in Nigeria with Minaj Systems Radio (MSR) in Obosi, Anambra State, and Ray Power 100.5 FM in Lagos which were already in operation.

But shortly after the approvals were announced, the Director-General of the National Broadcasting Commission (NBC), Dr. Tom Adaba, warned the new stations that if they failed to commence transmission within one year, their licenses would be revoked.

He also gave them a long list of rules and regulations of broadcasting to comply with, including those stipulated in the revised National Broadcasting Code, the Copyright Decree, the Advertising Practitioners Council of Nigeria Code of Advertising Practice, the Wireless Act, the Federal Radio Corporation of Nigeria Act, and the Transition to Civil Rule (Political Parties Registration and Activities) Decree No. 27.

At the end of the year under review, there were 60 television stations in the country while operating radio stations were 42. There were also 42 cable satellite stations and two private global television stations. Of the 60 television stations, 28 were owned by the Federal Government; 23 by various state governments and nine were privately owned. Private radio stations stood at four, with seven of the newly licensed ones yet to commence transmission. The total number of radio and television stations remained grossly inadequate in view of Nigeria's population of over 100 million and its sheer land mass. The situation has continued to provide justification for the calls for the licencing of more private radio and television stations.

While the private stations made a strong showing through interesting programming that attracted wide viewership, state-owned radio and television stations continued to dominate the airwaves with their superiority in numbers.

But despite the cheering news about the gradual opening up of the airwaves to independent broadcasters, the legal and institutional framework for the regulation of independent broadcasting remained stringent and continued to be vested in a Commission under the control of the Minister of Information and Culture as well as the Head of State.

Section 1 of the decree established the NBC with the power to "receive' process and consider applications for ownership of radio and television stations, including cable television services, direct satellite broadcast and other medium of broadcasting."

Although section 2(1)(b) as well as section 9(2) and 9(3) of the decree suggest that the grant of licences is a function exercised by the Commission, it is clear that the ultimate decision as to who should be granted a broadcasting licence is made by the Head of State for section 2(1)(c) of the decree restricts the function of the commission (vis-avis the granting of licences) to merely

“recommending applications through the Minister (of Information) to the President, Commander-in-Chief of the Armed Forces for the grant of radio and television licences.”

The decision to grant a broadcasting licence is a purely subjective one. Although section 9(1) and (2) of the decree set out objective criteria (such as the corporate status and ownership of the applicant for broadcasting licence, non-affiliation with any foreign, interest, compliance with the objectives of the National Mass Communication Policy, the availability of broadcast frequencies, etc., section 9(3) of the decree provides that compliance with such objective criteria “shall not entitle an application to the grant of a licence”.

The decree thus affords latitude for a licencing decision to be motivated by purely political consideration, and stands in sharp contrast to the licencing process in other African countries such as South Africa, where the Independent Broadcasting Authority (the equivalent of the Nigerian NBC) allocates frequencies only after public hearings, and based on publicly available criteria.

Establishments licenced to broadcast under the Decree No. 38 of 1992 are subject to strict monitoring and control by the Commission in relation to purely technical as well as editorial matters.

Thus, the Commission is empowered to approve the transmitter power, the location of stations and areas of coverage of a licenced establishment, as well as to regulate the types of broadcast equipment to be used by it.

Operators of licences stations are obliged to make their broadcast facilities (including equipment and station log book) available for inspection by the inspectorate staff of the Commission.

With regard to editorial matters, the Commission exercises some control over the programming of licences establishments since, under the third schedule to the decree (which sets out the standard terms on which a broadcasting licence is granted), a licences must contain a schedule of proposed programmes over a given period of time, accompanied by a synopsis of each of the programme plans.

The editorial independence of licenced establishments is further undermined by section 9(1)(e) of the decree which obliges operators of licensed stations to ensure that such stations are used “to promote national interest, unity and cohesion.”

The implication of this provision and the effect it has had in practice is to preclude licenced stations from featuring, says stories concerning the plight of ethnic minorities such as the Ogoni, which has been vocal in its demand for a better deal from the Federal Government and the oil multinationals regarding the environmental degradation of their communities, since such stories are likely to be considered by the government as promoting ethnicity or disaffection.

The overall effect of various provisions of the decree is that the controls exercised by the Commission in respect of licenced establishments are invariably dictated by the interests and policies of the military government.

Thus, not only are all the members of the Commission appointed by the Head of State, but section 6 of the decree also specifically provides that the Minister of Information may give the Commission directives of a general character relating generally to particular matters with regard to the exercise of its functions, and it is the duty of the Commission to comply with such directives.

One such matter in respect of which the Commission is obliged to comply with directives given by the Minister of Information would apparently be in respect of the Commission's disciplinary powers over "erring" broadcasters.

By section 2(1)(n) of the Decree, the Commission is empowered to apply sanctions, including revocation of licences of stations which do not operate in accordance with "the public interest".

Since the military government invariably perceives its interest as being synonymous with "the public interest", sanctions are likely to be applied for purely political considerations.

In an apparent effort to strike a balance between political and religious interests, section 10 of the decree precludes the grant of broadcasting licences to religious organizations and political parties.

This however operates against the background of a public broadcasting system, including the Nigerian Television Authority (NTA) and the Federal Radio Corporation of Nigeria (FRCN), which is controlled by the military government and which traditionally advances the political interests of the government.

In such context, it is arguable that the concept of pluralism in broadcasting will be better advanced by a system of equitable allocation of frequencies to political interests, rather than the one which completely outlaws political proprietorship of broadcasting facilities, while give the ruling government the latitude to advance its own political interests through the public broadcasting system.

On January 30, 1997, the NBC ordered four cable stations to go off air from 12.00 midnight on January 31 until further notice. The stations were Desmims Broadcast Limited, Sokoto, and MG Communication's Systems Limited in Kano, Sokoto and Abuja.

In a statement by its assistant director in charge of public affairs, Olalekan Ajia, the NBC said the four stations failed to meet the Commission's 20 per cent local content requirements in their programming and to pay the prescribed fines imposed on them within the scheduled period.

Ajia explained that "[t]he National Broadcasting Code requires open air broadcasting stations to meet up with 60 per cent local content and the cable satellite retransmission stations 20 per cent." He threatened that "[t]he Commission will soon announce further sanctions for stations which have paid the fines but failed to increase local content to 20 per cent."

The fines were imposed in November 1996 on the operators of satellite television redistribution stations for failing to meet the NBC's local content requirements. Three of the operators were fined N50,000 each while other were fined N100,000 each.

In June, NBC erected more financial impediments in the way of applicants for broadcast licences when it increased the fees payable by individuals and organizations seeking to operate private radio and television stations by more than 400 per cent.

Under the revised rates announced by NBC's zonal director, Mark Ojiah, the fee for a television licence was increased from N400,000.00 to N2.5 million while that for a radio licence which was previously N500,000 was raised to N3 million.

But the NBC has also indicated that it will review its licencing procedure to allow for more inputs from members of the public in the determination of which private television licences will be renewed.

Adaba told the chairmen and chief executives of private broadcasting stations at a meeting he held with them on July 30 that "Your receivers and listeners, who are afterall the ultimate stakeholders in broadcasting, will have an important role to play in deciding whether or not you deserve to continue using the public airwaves."

## **PROPOSALS FOR MEDIA REGULATION**

Despite the Federal Military Government's efforts to keep the provisions of the draft 1995 Constitution secret, details emerged in 1997 of proposals contained in the document for the regulation of the media in the Fourth Republic.

Media debates on the issue lingered throughout the year and remained explosive.

The proposals, which appear to be the product of a brain wave by Dr. Ofonagoro, are the creation of a Federal Executive body known as the National Mass Media Commission (NMMC) and the establishment of a Press Court to try journalists accused of false reporting.

Dr. Ofonagoro first unfolded the government's plans to impose more stringent controls on journalists in the Fourth Republic during a press conference he held in Abuja on October 10, 1995 to explain decisions of the Provisional ruling Council (PRC) on the proposals in the National Constitutional Conference's draft Constitution.

He said then that criminal liability would be imposed on journalists for the publication of false reports under the new Constitution.

The minister explained that the Federal Military Government accepted the Constitution Review Committee's (CRC) amendment to section 40 of the draft Constitution "in order to check the current journalistic practice whereby facts are no longer sacred."

He alleged that defenseless citizens, both in their private and public capacities, are maligned by false and malicious reports.

Inexplicably, in justifying the measures being proposed by the government, Ofonagoro said the decision was "with a view to safeguarding freedom of the press and the press from self-destruction; and to engender responsible journalism and the preservation of the integrity of the profession of journalism."

Although the 1995 draft Constitution remains a prized secret to date, at least officially, one of the earliest indications that the government had made good its threat to impose stricter controls on the media emerged from the Chairman of the government-established Nigerian Press Council, Alhaji Alade Odunewu.

At a seminar in Abuja on December 1, 1995 where he spoke on "Ethics of Journalism Profession", he advised the government against regulating the press to a point of suffocation and duplication of structures.

Citing section 154 of the draft Constitution which creates the National Mass Media Commission, Odunewu asked the government to reconsider the provision to avoid enacting a retrogressive decree.

The Commission is given the responsibility to:

- . coordinate, promote and regulate the existence of newspapers, magazines and publications generally as well as radio and television stations in the country;
- . liaise with, monitor, and assist proprietors of radio, television and publications in the dissemination of lawful information;
- . coordinate the activities of all professional bodies of the mass media;
- . protect individuals against media harassment and intimidation;
- . protect Nigerians against intrusions and unwarranted enquiries into the private life of any person without his consent; and
- . deal with such other matters affecting the mass media, including code of conduct for mass media practitioners and ethical standards as the President may from time to time direct or the National Assembly may by an Act prescribe. (see section 46 of Part of One of the Third Schedule to the draft 1995 Constitution).

Membership of the Commission consists of a “distinguished mass media practitioner” as chairman; one representative each of the Newspapers Proprietors Association of Nigeria (NPAN), Radio Proprietors Association, Television Proprietors Association, the Nigerian Guild of Editors (NGE), the Nigeria Union of Journalists (NUJ), and the Ministry of Communications as well as two members to represent the general public and two members to represent “such interests not otherwise represented as may be determined by the President.” In all, Commission has 11 members. (See also section 46 of Part One of the Third Schedule to the draft 1995 Constitution).

Besides these provisions, section 46(3) states that: “In addition to the provisions of sub-section (3) of section 15 of the Constitution, the ownership of any print, electronic or other media organization with inter-state coverage other than those owned by the Government of the Federation shall be public companies only”.

Section 46(4) further stipulates that “It shall be the responsibility of the Board of Directors of any public company to ensure the maintenance of balanced reporting and the promotion of national unity.”

When the draft Constitution becomes operational, the Media Commission will operate alongside other media regulatory bodies such as the Nigerian Press Council, the National Broadcasting Commission, and the Newspapers Registration Board whose functions it will also be performing.

Although on the face of it, it appears that the Commission will consist predominantly of media practitioners or their representatives, the reality is that the members will be appointed by the President with no provision indicating that he is obliged to rely on nominations made by bodies and organizations which will be represented on the Commission.

If the experience of the appointments to National Human Rights Commission (NHRC) is anything to go by, the President can in fact appoint persons to represent bodies and organizations of which they are not members.

Also, besides the Ministry of Communications (which is a government department), and the NPAN, the NUJ, and the NGE, the other interests proposed to be represented in the Commission are so amorphous in nature that the possibility of consulting them in appointing representatives is remote. This means that even with the best of intentions, the President will have a free hand to appoint eight of the Commission's 11 members without consulting any organization.

With the President having such an unfettered discretion in appointing the chairman and members of a quasi-judicial body which will regulate the media, an institution whose primary functions is to hold him and his government accountable to the people, it is highly unlikely that the Commission will be able to function as an independent body.

The functions of the Commission also raise serious concerns about the sincerity of purpose in its establishment. In the first place, the various functions have previously been assigned to already existing government bodies, some of which remain controversial to date, while the courts also exist for the protection of the privacy and reputations of individuals.

But besides the overlapping nature of functions and the obvious duplication, many of the functions can only be performed in a censorial manner.

For instance, in performing its duty of liaising with, monitoring and assisting proprietors of radio, television and publications in the dissemination of "lawful information", the Commission would have to be privy to all the information being processed by the news media before publication and would have the power to determine which of such information is "lawful" and worthy of dissemination.

Its power to "regulate the existence" of newspapers, magazines and publications as well as radio and television stations can only be adverse to the interests of those media organs. The temptation to regulate critical newspapers and magazines as well as broadcast facilities out of existence may be too great to resist.

The Commission is also given an open-ended authority to deal with "infractions" by journalists which have not previously been spelt out going by the stipulation that it can "deal with other matters affecting the mass media including code of conduct of mass media practitioners and ethical standards as the President may from time to time direct..."

But perhaps the most horrendous of the provisions of the draft Constitution is the requirement that the ownership of any print, electronic or other media organization with **inter-state coverage** other than those owned by the Government of the Federation shall be public companies only.

The implication is that the privately owned newspapers and magazines in Lagos including *The Guardian*, *National Concord*, *ThisDay*, *Punch*, *Vanguard*, *Post Express*, *Champion*, *The Diet*, *Newswatch*, *Tell*, *The Week*, *Tempo*, *The Source* and *TheNews*, some of which are the most

respected and influential publications in Nigeria, will no longer be able to circulate or gather information outside Lagos State.

In sheer fact, many states where no newspapers or magazines, whether government-owned or privately-owned, are published, may never read the printed word again.

The provision is in clear breach of Article 19(2) of the International Covenant on Civil and Political Rights (ICCPR) which states that:

“Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, **regardless of frontiers**, either orally, in writing or in print, in the form of art, or through any other media of his choice.” (Emphasis ours).

Nigeria acceded to the ICCPR on July 29, 1993 and thereby took on an obligations under Article 2 of the Covenant to give effect to the rights recognized by the instrument. It has an international obligation to ensure that its legislative enactments conform with the terms of the ICCPR.

While the plan for the Commission has been substantially developed, the framework for the proposed Press Council was a lot hazier, even by the close of the year. The government remained reticent for most of the year about its plans for the court, perhaps because of the widespread criticisms that have trailed the idea.

Although earlier suggestions were that the court would derive authority and legitimacy from the 1995 Constitution, going by Ofonagoro’s announcement in January 1997, the special press court will be created through an amendment to the Press Council Decree No 85 of 1995.

The indications are that the court would be in the form of a special tribunal because, according to Ofonagoro, it will be presided over by a high court judge with journalists as members and will be an institution through which victims of false reporting can obtain redress.

The minister said journalists found guilty of false reporting by the court would be sentenced to terms of imprisonment.

But the absence of adequate information about the court has continued to provoke questions. Many of such questions were raised at a lecture in Lagos on March 13 by Prince Tony Momoh, a former Information Minister and architect of the present Nigerian Press Council.

He asked: “Whatever the composition of the court will be, which areas of media will it attend to and how? Will it restrict itself to publications or will it expand its area to radio and television? Will its hearings be on the promptings of anyone who is hurt by publication or the court will monitor the offerings of the media to determine by itself what is offensive? How many branches of the court will emerge? Where will it sit? Will its jurisdiction be exclusive or the same matters can be triable at the State High Court or even at the Federal High Court? If the court will punish publication of false news as some monitors of the intentions of those proposing the press

court say, who determines what news is false? Is it government or individuals? Or will the court have its monitoring apparatus? The questions remain to be answered.

Since 1984, when General Muhammadu Buhari's Regime promulgated the Public Officers (Protection Against False Accusation) Decree No 4, successive military governments have been driven by a burning desire to maintain a tight regulatory control over the press.

Decree No 4 of 1984 established a special military tribunal to try journalists for alleged offences under the Public Officers (Protection Against False Accusation) Decree (from which Ofonagoro's proposed press court presumably derives inspiration). It provided, among other things, that: "Any person who publishes in any form, whether written or otherwise, any message, rumour, report or statement, being a 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." (See section 1(1) of Decree No.4 of 1984).

The penalty for an offence under the Decree was a sentence of imprisonment for a term not exceeding two years, without the option of a fine, and in the case of a corporate body, to a fine of not less than N10,000.

Although the decree purported to regulate the media against false reporting, according to a judicial opinion rendered by then Chief Judge of Lagos State, Justice Joseph Adetunji Adefarasin (of blessed memory) in a suit instituted by Guardian Newspapers Limited (GNL) against the Attorney-General of the Federation, section 1(1) of the decree created two offences such that anyone who publishes any report which is false in any material particular or anyone who publishes any report, which even through true, brings the Federal Military Government or the Government of a State or a public officer to ridicule or disrepute, is guilty of an offence.

GNL, publishers of *The Guardian*, and two journalists with the newspaper – Tunde Thompson, the then Senior Diplomatic Correspondent, and Nduka Irabor, who was Assistant News Editor – were tried by the special tribunal under the decree in 1984 and found guilty. The tribunal sentenced Thompson and Irabor to one year imprisonment each and fined GNL N50,000.

President Ibrahim Babangida, who overthrew the Buhari Regime, subsequently repealed that decree.

But on December 30, 1988, he signed into law the Nigerian Media Council Decree No. 59 of 1988 ostensibly to "promote high professional standards for the Nigerian media and to deal with complaint emanating from members of the public about the conduct of the media and journalists in their professional capacity or complaints emanating from the media about the conduct of persons or organizations towards the media."

In reality, the Media Council established under the decree posed a very potent threat to journalists critical of the government or its policies and activities as it had powers to try journalists for misconduct, licence journalists and withdraw such licences, and discipline journalists by reprimand, suspension or striking his name off the list of registered journalists.

An applicant for registration as a journalist under the decree, in addition to evidence of qualification, was also required to satisfy the council that he is of good character and that he has a general professional orientation covering the basic ingredients of information art and that he has a good knowledge of the politics and socio-economic affairs of his society acquired from an approved institution.

The 18-member council was constituted in such a manner that the government appointees alone could form a quorum and take decisions detrimental to the interests of any journalists critical of the government or its policies.

The decree also made it a penal offense for any person not registered as a journalist to practice as such or use any title or description suggesting that he is authorized to practice as a journalist.

However, owing to opposition by journalists, the Media Council could not be inaugurated and the provisions of the decree were never implemented until it was repealed by section 28 of the Nigerian Press Council Decree No. 85 of 1992, also promulgated by the Babangida Administration, in December 1992.

Decree No. 85 of 1992 established the extant Nigerian Press Council whose functions include inquiring into complaints about the conduct of the press and the conduct of any person or organization towards the press, researching into contemporary press developments, fostering the achievement and maintenance of high professional standards in the press, reviewing developments likely to restrict the supply, through the press, of information of public interest and ensuring the protection of the rights and privileges of journalists in the lawful performance of their professional duties.

But the Press Council lacks the necessary attributes to be considered fully independent of the government particularly by reason of the fact that the President is empowered to appoint the chairman on the recommendation of the Minister of Information and by the presence on the Council of representatives of government-controlled bodies like the News Agency of Nigeria (NAN) and the Nigerian Television Authority (NTA). The council is also funded by the government.

Although it has sought to operate independently and impartially since its inauguration, the council's credibility has been undermined by the government itself which, when subject to criticism by the Council, has simply ignored it.

## **NEWSPAPERS DECREE 43 OF 1993**

Like a sphinx, the controversial Newspapers Decree No 43 of 1993 continued to rise from its ashes to haunt newspapers and magazine publishers during the year under review.

The decree, promulgated by the Babangida Administration to regulate the independent press, was declared unconstitutional, null and void by an Ikeja High Court in Lagos on November 18, 1993.

But Dr. Ofonagoro said in July 1997, while still Minister of Information and Culture, that the decree was being amended by the Federal Government and would be enforced soon.

Speaking at the opening ceremony of the third forum of the Nigerian guild of Editors (NGE), Ofonagoro said his ministry has proposed amendments to the decree and was waiting for approval, stressing that “when the decree comes out, we shall enforce it.”

He accused the Newspapers Proprietors Association of Nigeria (NPAN) of renegeing on its promise to submit proposals for amendments to the decree during a meeting he held with representatives of the body in September 1995.

The minister claimed that but for his intervention, security agents would have shut down The Guardian and the Daily Times newspapers in 1996 for non-compliance with the provisions of the decree as a warning to other newspapers and magazines.

But the NPAN has denied ever promising to send proposals for amending the decree to the government. NPAN President, Ismaila Isa Funtua, said “[t]hat law (Decree 43) is bad and we have rejected it. If we send any amendments, that means we accepted it.”

By Decree 43, the Federal Military Government radically altered the tradition of newspaper control and regulation in Nigeria and imposed stringent new registration and operational guidelines for newspapers and magazines.

Although released by the government on August 16, 1993, it gave the decree a retroactive commencement date of June 23, 1993. Persons intending to own, print or publish newspapers and magazines in Nigeria were given three weeks from the commencement date of the decree (June 23, 1993) to apply for registration (that is by July 14, 1993) after compliance with the pre-registration requirements.

The implication of this is that upon the release of the Decree on August 16, 1993, all newspapers and magazines in Nigeria immediately became “illegal” and their owners, printers and publishers automatically became liable to be arrested and detained, prosecuted and convicted even when the structures to effect the registration exercise had not been established by the government.

By virtue of Section 7 of the Decree, it is an offence, punishable with either a fine of N250,000 or imprisonment for a term of seven years or both for a person to own, publish or print a newspaper or magazine not registered under the decree. The registration of existing newspapers and magazines under previously subsisting laws, was extinguished by the decree.

The decision, whether or not, to register a newspaper or magazine is vested exclusively in the Newspaper Registration Board set up under the decree and compliance with the formal pre-registration requirements stipulated in the decree does not guarantee registration of a newspaper or magazine as the Newspaper Registration Board has unquestionable discretion to decide whether the registration of a newspaper or magazine is “justified having regard to the public interest”. There are no procedures for challenging the Board’s decision not to register a newspaper.

Although the Board’s decision whether or not to register a newspaper or magazine is subjective, exclusive and final under the decree, a person seeking to register a newspaper or magazine must nonetheless pay a “non-refundable” fee of N100,000.

A person seeking to register a newspaper or magazine under the decree is also obliged to pay a pre-registration deposit of N250,000 which will, if the newspaper or magazine is registered, be paid into a fund to meet the amount of any penalty imposed on or damages awarded against the owner, printer, or publisher of the newspaper or magazine by a court of law in future.

As against the practice under the previously applicable Newspapers Act (now repealed by the decree), Decree 43 imposes an immediate penalty on persons seeking to register newspapers and magazines in anticipation of offences which have not yet been committed, which have not been adjudicated upon in a court of law, and in respect of which the persons have had no opportunity to defend themselves.

Guardian Newspapers Limited (GNL) filed a suit at an Ikeja High Court on October 15, 1993 against the Attorney-General of the Federation and the Attorney-General of Lagos State, challenging the validity of the decree.

The court, presided over by Justice Samuel Omotunde Ilori, who is now the Chief Judge of Lagos State, first issued an interlocutory injunction on November 5, 1993 restraining the government from interfering with the printing and publishing business of GNL pending the final determination of the suit.

In his final judgement delivered on November 18, 1993, Justice Ilori held that the decree was null and void and of no effect, and by a perpetual injunction, prohibited the Government from giving effect to the provisions of the decree.

The Government has not appealed against the judgment, which has also not been overturned by any appellate court. Yet, in defiance of the valid and subsisting judgment, the Government has continued to torment press houses with the provisions of the decree, constantly threatening to shut them down for non-compliance.

## **INSTANCES OF ATTACKS ON THE PRESS**

1. Officials of the Federal Ministry of Works and Housing Special Task Force on the Demolition of Illegal Structure on January 13 at Oshodi in Lagos beat up a journalist with The Guardian newspaper, Ibe Uwaleke, inflicting severe injuries on him, smashing his reading glasses and making him to kneel down for over 30 minutes.

Uwaleke, who was on a routine assignment, had observed members of the Task Force demolition buildings and other structures and evicting traders from their make-shift stalls.

According to Uwaleke, he then went to enquire from the leader of the Task Force, a lieutenant, what he exercised was all about. He said the officer told him he had no comments and that on learning that he (Uwaleke) was a journalist, the other members of the Task Force pounced on him, slapping him several times. They then made him to kneel down.

The journalist said despite the fact that blood was dripping from a wound on the bridge between his eyebrows and nose, from a splinter from his broken glasses, all entreaties and explanations that he was only doing his job as a journalist just as the Task Force members were doing theirs, went unheeded.

The soldiers went ahead to detain him, making him to kneel down for over 30 minutes. He said they made a public show of him “to serve as an example” to those they described as “erring journalists.”

2. A columnist with the Vanguard newspaper, Dele Sobowale, was arrested by security agents in Lagos on January 24 for undisclosed reasons.

He was arrested at the newspaper’s offices at Apapa and detained for four days without charge or trial and in solitary confinement. The government did not give any reason for his arrest and detention.

3. An editor with the Akwa Ibom State-owned radio station, Ernest Udokang, was suspended from work on February 1 for one month without pay over a commentary aired by the station.

The commentary, aired on January 27, was on the national immunization programme. The wife of the State’s military administrator, Mrs. Iyabo Adeusi, was reportedly offended by the programme and directed that it should be discontinued after the first broadcast.

4. The publisher and editor-in-chief of the Razor magazine, Moshood Fayemiwo, was abducted on February 14 by Nigerian security agents from Benin Republic, Nigeria’s western neighbours, while in the care of the United Nations High Commission for Refugees (UNHCR).

Fayemiwo, who was legally registered with the UNHCR with Reference Number 652 Nusat/PC/CNCR, was kidnapped on February 14 while returning from a Bible study course in Cotonou, the Benin capital. He was forcibly brought to Nigeria where he has since been

detained by the Directorate of Military Intelligence (DMI). He remained in custody at the year's end.

Fayemiwo was previously detained for seven months in 1996 from February 26 to September 20 by the Nigerian government before he escaped from Nigerian with his family and went to Benin Republic where he applied for refugee status.

5. Policemen in Katsina State on February 15 disrupted a meeting on councils of the Nigeria Union of Journalists (NUJ) in 16 northern states and Abuja scheduled to hold in the state.

The policemen also stopped a seminar on "The Role of the Press in the Transition to Civil Rule Programme" which was to precede the meeting planned for the multi-purpose women centre at Flin Samji in Katsina.

Anti-riot policemen reportedly arrived at the venue of the meeting as early as 6.00 a.m. and barricaded the entry with their duty truck, while scores of them took positions around the premises of the centre to abort the function.

When officials of the Katsina State Council of the NUJ, organizers of the event, came round to prepare for its take-off at 9.00 a.m., the policemen turned them back and gave no explanation for their action.

6. The Edo State correspondent of the Vanguard newspapers, Emma Amaize, was arrested by security agents from the State Intelligence and Investigation Bureau (SIIB) in Benin City, the state capital, on March 1 and detained for over two weeks.

He was arrested over a story entitled "Fresh Human Skull Found in a School". Amaize was charged before a Benin Chief Magistrate Court on March 18 and was granted bail.

7. Two journalists were beaten up and briefly detained in Yobe State on March 9 on the orders of Lt. Popoola, the Escort Commander to the State Administrator, Wing Commander John Ben Kalio.

The journalists, Mohammed Abubakar of The Guardian newspaper, and Mato Adamu of the Post Express newspaper, who also strings for the British Broadcasting Corporation (BBC) Hausa Service, were assaulted during the closing ceremony of the National Division II Handball Championship in Damaturu, the state capital.

According to a protect letter written to the Administrator by the Correspondents Chapel of the Nigeria Union of Journalists (NUJ) in neighbouring Borno State, at about 4.30 p.m. on March 9, Abubakar and Adamu were refused entry into the sports complex, where the ceremony was taking place, by security agents, although they were duly accredited by the organizing committee to cover the event.

Following an argument over the refusal, Lt. Popoola ordered soldiers in his units to beat up the two journalists. Abubakar was beaten until he was unconscious.

The two journalists were then locked up at the Government House guard quarters in Damaturu and were only released after the intervention of the Director of Press Affairs in the Government House, Alhaji Karfa Lawan, intervened.

Abubakar was later treated at the sports complex clinic.

8. The Edo State correspondent of the Nigerian Tribune, Bayo Awogbemi, was arrested by security agents from the State Intelligence and Investigation Bureau (SIIB) in Benin City on March 1 and detained overnight.

He was arrested over story entitled “Fresh Human Skull found in a School” and charged on March 18 before a Benin Chief Magistrate Court which granted him bail.

9. The News Editor of Today’s News Today (TNT), Tokunboh Oloruntoba, and the crime correspondent of the evening newspaper, Bola Owolola, were arrested by security men from the Lagos State Police Command on March 18.

They were arrested over a story that the state police commissioner, Alhaji Abubakar Tsav, had been transferred.

The editor of the newspaper, Owei Lakemfa, said in a statement that he was also being hunted by the police. He went into hiding shortly after the arrest of his colleagues.

10. Ladi Olorunyomi, a journalist and wife of former deputy editor-in-chief of The News magazine, Dapo Olorunyomi, was arrested at her home in Lagos on March 20 by security agents.

Mrs Olorunyomi’s sister, Miss Nana Suleiman, said in a statement that “at about 8.00p.m. on Thursday, March 20, four persons, including a lady, came to our house at Papa Ajao, Mushin. They identified themselves as a team from the Directorate of Military Intelligence (DMI), Apapa. They asked for my sister, Mrs. Ladi Olorunyomi. After preliminary identification, they proceeded to ransack the house. They did not say anything and they did not take anything”.

The officers, whom the neighbours said came in a Peugeot car, then asked Mrs. Olorunyomi, who is currently an assistant director at the Independent Journalism Centre (IJC) in Lagos, to follow them, leaving their address as 2, park Lane, Apapa.

Miss Suleiman said they did not give any reason for Mrs. Olorunyomi’s arrest.

By May 6, when Mrs Olorunyomi was released, the security agents had still not given any reason for her arrest. Her husband, Dapo, fled Nigeria in 1995 following a manhunt for him by security agents over stories published by The News magazine, of which he was deputy editor-in-chief, on the alleged coup plot of March that year. His colleague and editor of the magazine, Kunle Ajibade, was subsequently arrested over the same stories and is currently serving a 15-year jail term at Makurdi Prison in Benue State following his conviction in July 1995 by a special military

tribunal after an unfair secret trial on charges of treason arising from the stories. Dapo now has political asylum in the United States.

11. Newspaper vendors in Kaduna State were subjected to a series of harassment in April by members of the Task Force on Environmental Sanitation in the State.

The secretary to the Kaduna Newspaper Distributors Association (KDNA), Richard Oladipo, who led a protest march by the vendors to the State Administrator's office on April 23, said they had been subjected to acts of brutality by policemen and soldiers on the Task Force.

According to him, "The harassment started before the (Kaduna) trade fair when they asked all vendors not to sell in open places again. We thought that the harassment will only last for the duration of the OAU (Organisation of African Unity) Trade Fair, but up till now, the problem has persisted."

Oladipo said an official letter was sent to the Administrator, Lt. Colonel Hammed Ali, two weeks earlier to protest the maltreatment of vendors by the task force and that a delegation was also sent to meet the task force officials at the Kaduna State Property Development Authority (KAPSUDA) office, without any positive result.

On April 21, the task force officials beat up many of the vendors and seized their newspapers and magazines. Many of them nursed injuries they received from the incident for several days.

One of the victims John James who sustained horse whip injuries on his back, said that "a policeman and some soldiers packed all my newspapers and magazines last Monday (April 21) to KAPSUDA, where I was beaten almost to a state of coma. My papers were released at about 5.00p.m."

Other victims of harassment include Useni Moli, Labiru Shittu and Alex Nwaloze.

12. The Chairman of the Edo State Council of the Nigeria Union of Journalists (NUJ) and Editor of the State-owned Weekend Observer, Nasamu Jacobson, was arrested by security agents in Benin City on June 17.

Jacobson was reportedly arrested on the orders of the State's Military Administrator, Group Captain Baba Iyam. He was released later the same day, but order to report daily at the State Intelligence and Investigation Bureau (SIIB).

13. The Edo State correspondent of the Nigerian Tribune, Bayo Awogbemi, was arrested on June 30 by security agents in Benin City, the state capital, over a story on clashes between student cult members at the University of Benin published in the previous days' edition of the Sunday Tribune newspaper.

Although released on police bail on July 5, he was later charged before a Benin Chief Magistrates Court on July 11.

14. Broadcast journalist, Abiodun Mudashiru, a reporter with the privately-owned independent Television (ITV) in Benin City, was arrested on June 30 and detained for three days by security agents in the Edo State capital over a story aired by the television station on clashes between student cult member at the University of Benin.

Mudashiru was released on July 2 after ITV retracted the story and apologized for it.

15. The Abuja Bureau Chief of The *African Concord* magazine, Mohammed Adamu, was arrested by security agents of the Federal Military Government at his residence in Abuja on Sunday, July 27.

Adamu was arrested at about 3.20p.m. at his Montgomery close, Garki apartment by three security agents who said he was being invited to the Presidency for a “chat”, an euphemism for interrogation. No other reason was given for his arrest.

He was later taken away in a green Peugeot 504 saloon car with registration number AA 911 KWL to an undisclosed location.

Adamu is believed to have been arrested over the cover story of the July 14, 1997 edition of the *African Concord* entitled “Ali Mustapha: Ruthless Man Behind Abacha”, although there was no indication that the story was written by him since it carried no byline.

Newspaper vendors were reportedly harassed by security men for displaying the magazine for sale.

16. The Federal Airports Authority of Nigeria (FAAN) banned journalists from areas in the Mallam Aminu Kano International Airport staff in July of alleged unfavourable reports published in the press.

Airports officials reportedly complained that the press coverage they received after an unscheduled visit to the airport by the Minister of Internal Affairs, Alhaji Baba Gana Kingibe, was unfriendly.

Press reports said that during the visit, the Minister ordered the arrest of security officials allegedly caught extorting money from passengers. The reports were said to have annoyed security agents at the airport who subsequently claimed that journalists were being given unrestricted access to sensitive areas in the premises with the result that the ban was introduced.

The FAAN also introduced on-duty identity cards for staff which was believed to be aimed at restricting access to certain areas of the airport to some airport workers believed to be providing journalists with information.

But the FAAN denied that the measures were motivated by the unfavourable press reports. It said it was implementing the “Access Control” plan designed and approved by the airport’s Presidential Task Force to reduce the number of security agents and staff at the airport’s arrival halls.

17. The Executive Director of the Media Rights Agenda (MRA), Edetaen Ojo, was on July 26 prevented from traveling out of Nigeria by officers of the State Security Service (SSS) at the Murtala Muhammed Airport in Lagos.

Ojo was to travel to Kenya to participate in a three- day election monitoring training workshop jointly organized by the Kenya Human Rights Commission, the London-based International Centre Against Censorship (ARTICLE 19) and the Network of Independent Monitors (NIM) – South African human rights organization, scheduled to hold from July 27 to 30.

Ojo had completed checking in formalities and proceeded at about 8.20 pm to clear immigrations and board the Ethiopian Airlines Flight No ET 960 scheduled to depart fro Nairobi at 11.30pm when he was stopped by officers of the SSS who said that his name was on the security computer at the airport with instructions that he should not be allowed to travel out of the country without clearance from their headquarters.

The security agents seized his passport and detained him for over three hours until the plane took off whereupon his passport was returned to him and he was allowed to return home shortly before mid-night. The security agents did not give any reason for the directive that he should not be allowed to travel.

18. The Guardian newspaper correspondent in Warri, Delta State, Robert Efenakpo, was assaulted by rampaging youths while inspecting and photographing some burnt houses in the strife-torn city on June 16. He narrowly escaped being lynched.

Efenakpo had been covering the armed conflict which broke out in the city in March following the relocation of the Warri South West Government headquarters from Ogbe-Ijoh, an Ijaw settlement, to Ogidigben, which is inhabited by the Itsekiris. The clashes between the two ethnic groups have claimed scores of lives.

According to Efenakpo, while he was inspecting and photographing some houses burnt in the fresh outbreak of violence on June 16, four youths dragged him down from a motor bike, beat him up and took away his wrist-watch, camera and money.

As he was being beaten, he said he shouted “I am Urhobo, I am Urhobo”, indicating that he belonged to an ethnic group not involved in the conflict.

But he was rescued by some Itsekiri youths who explained to their colleagues that he was a journalist.

19. The Enugu State correspondent of the Punch newspaper, Nwobodo Onyekwere, was arrested by soldiers in Enugu on June 18 and detained until the next day during which period he alleged that he was brutalized and tortured.

The soldiers, from the 82<sup>nd</sup> Division of the Nigerian Army, first stormed the Punch Office in Enugu on Monday, June 16 in search of Onyekwere over a report published in the previous day’s

issue of the Sunday Punch based on an interview with an Enugu-based lawyer, Mr. Tagbo Ike, who alleged that a three-storey building which collapsed in the city was bombed.

In the absence of Onyekwere, the soldiers arrested and detained the newspaper's circulation representative, Ayo Ologun, until Wednesday, June 18, when Onyekwere was arrested.

The soldiers also arrested and briefly detained Ike. The lawyer was released after interrogation during which he admitted granting the interview to Onyekwere.

But the soldier continued trailing Onyekwere, who immediately went into hiding when he became aware of the hunt for him.

Operating in two unmarked cars, the soldiers again raided the Vanguard newspaper's office in Enugu on June 18 and forced the circulation assistant, Charles Owunze, to show them the Vanguard correspondent's office which was then locked as he was away. The soldiers forced the door open, partly damaging it, but did not find Onyekwere in the office.

The soldiers were about to take Owunze away when they sighted Onyekwere, who was boarding a taxi. They arrested him at gun-point and ordered him to sit in a refuse dump on the road side before taking him away. They interrogated and detained him until the next day when he was taken to the Enugu State Police Command where he was subsequently released on bail without charged with any offence.

Onyekwere said upon his released that he was brutalized and badly tortured while in the custody of his captors.

20. *The Punch* newspaper correspondent for Adamawa and Taraba States, Stanley Yakubu, was arrested in Yola on Thursday, June 19 by police officers from the Taraba State Police Command.

He was arrested in the newspaper's office in the state and taken away to Jalingo, where he was detained for a few days.

Although no official reason was given for his arrest, he is believed to have been held over a publication in the Punch of a threat by the wife of the Taraba State Military Administrator to "deal" with some directors-general in the state who failed to attend a ceremony where she, as the State Chairperson of the Family Support Programme (FSP), was the special guest of honour.

21. Security agents in Lagos on August 30 prevented the scheduled launch of a book about detained politician and acclaimed winner of the June 12, 1993 presidential election, Chief Moshood Abiola, at the Nigeria Union of Journalists (NUJ) Club House in Lagos.

The book, entitled, *Abiola, Democracy and the Rule of Law*, is written by Richard Akinola, a journalist. It was to have been launched at 12.00 noon on that day. But reports said as early as 6.00am, armed police men had taken positions at the club house, venue of the launch, barring invited guests from entering the premises. A police inspector reportedly told a journalist that they

had been detailed there to ensure that nothing “unusual” happened there. He did not say by whom.

Earlier, on August 23 and 24, the premises of the club house were similarly occupied and sealed off by a contingent of armed policemen.

During the siege, journalists and other members of the public who came to patronize the club house were turned back. The policemen gave no reason for the siege, but the NUJ Executive Committee said it gathered that the action was taken by the police authorities to prevent an anticipated opposition press conference on the continued detention of Abiola, winner of the annulled 1993 presidential elections, as part of activities marking his 60<sup>th</sup> birthday anniversary. August 24 was Abiola’s 60<sup>th</sup> birthday.

In a petition to the Lagos State Commissioner of Police, the Lagos NUJ Chairman, Lanre Arogundade, said his council had always conducted itself peacefully and responsibly in all its activities, and that the excuses for the siege was baseless.

22. Mrs Arit Igiebor, the wife of *Tell* magazine editor-in-chief Nosa Igiebor, was arrested shortly after midnight on September 10 from their home in Ikeja, Lagos by about a dozen heavily armed security agents. They arrested an ailing Mrs. Igiebor after they searched the house and discovered that her husband was not at home.

According to Mrs Igiebor, the security men came at about 12.30 am and began banging on the gate. They asked her to open up saying they wanted to have a chat with her husband or herself.

In a statement by its deputy editor-in-chief, Dele Omotunde, *Tell* magazine’s management said the security men came in three vehicles, two of which bore the inscription of the Lagos State anti-robbery squad, “Operation Sweep”.

The statement said when the security men asked for Igiebor and were told he was out of town, they forced his wife at gunpoint to lead them in a thorough search of the house but failed to find him. It added that the men then pointed a gun at the head of Obosa, Igiebor’s four-year old daughter, asking repeatedly, “where is your father?” but the child only stared back at them blankly.

Mrs Igiebor was later taken away but released later that morning with a warning that they would come back for her if she did not produce her husband within 24 hours.

Narrating the incident later, Mrs Igiebor recalled that “I opened the door and I discovered that there were about 12 of them. Some of them were battle dressed, with bullet proof vests on, machine guns and one in suit and ordinary shirt was with a pistol. All of them were armed. They said I should lead the way, they wanted to search our house which I did. They went through the whole house, around the compound. They searched everywhere looking for my husband I thought they were just wasting their time, because I told them he was not in the country.”

Although Mrs Igiebor was discharged from the hospital the previous day, the security men kept shoving her to hurry saying she was deliberately slow so as to give her husband a chance to escape.

When they had searched the entire house, they also went to the homes of Igiebor's neighbours and searched their rooms.

The government did not give any reason for the action, but it is believed to have been as a result of a story published in that week's edition of *Tell* entitled "Abacha's Illness Worsens".

23. Security operatives arrested and briefly detained at least 10 newspaper vendors and sales agents in Abuja, the federal capital, on September 15 for displaying for sale copies of that week's edition of *The News* magazine with the cover story "Panic Over Abacha's Illness".

The security men impounded all copies of the magazine displayed for sale in Abuja as teams of armed security agents reportedly raided different newspaper distribution points in the capital city in search of the magazine and vendors selling them.

Those detained were released in the evening but asked to report at the office of the State Security Service (SSS) again on September 16.

The government made no comment on the issue. However, the action is believed to have been motivated by the magazine's story which reported an alleged deterioration in General Sani Abacha's health, plans for overseas medical attention and a struggle for succession among his aides.

Security Agents in Abuja again raided newspaper distribution centers in the city on September 22 and arrested two news vendors who were briefly detained.

As in the previous week, all copies of *TheNews* magazine displayed for sale were impounded.

The two arrested vendors were released later in the day, but the security operatives were back on the prowl on September 23 to 24 to ensure that no fresh copies of the magazine were displayed for sale.

The renewed actions of the security agents were believed to be motivated by another cover story published by *The News* entitled "More Troubles for Abacha", which reported international pressures being mounted on the regime of General Sani Abacha.

24. Security operatives arrested Babatunji Wusu, an administration officer with the Independent Communications Network Limited (ICNL), publishers of *The News* magazine, on 17 September 1997.

According to the General Manager of (ICNL), Mr. Idowu Obasa, two plainclothes agents arrived at the Ogba, Lagos office of the magazine at about 10.00am in Peugeot 505 saloon car with registration number SO 60009 SK. They introduced themselves as officers of the Federal

Intelligence and Investigation Bureau (FIIB), Alagbon Close, Ikoyi, Lagos, and said they had instruction to arrest the editors of the magazine.

Finding none of the editors, they arrested Wusu and drove away with him in the metallic-coloured Peugeot 505 car. They said they were taking him to their Alagbon Close, Ikoyi office.

He was however released on September 22, after five days in custody without charge or trial.

The arrest is believed to have been as a result of the cover story of The News magazine entitled: “Panic Over Abacha’s Illness” published in that week’s edition.

25. Security operatives raided the Kano office of the News magazine on September 16 in search of the Kano correspondent of the magazine, Babajide Kolade-Otitoju. They said they had instructions to arrest him.

When Kolade-Otitoju was not found, they forced his friend who was in the office on a private visit to sign for the arrest warrant and give an undertaking to produce him within 24 hours. The warrant, dated September 15, asked Kolade-Otitoju to report to the Criminal Investigation Department (CID) of the Police Force Headquarters in Abuja at 10.00am on September 17.

The arrest and raid are believed to be a continuation of government’s reaction to cover story of the News entitled “Panic Over Abacha’s Illness”.

26. Security agents again raided the Lagos office of the Independent Communications Network Limited (ICNL), publishers of The News magazine, the weekly tabloid, Tempo, and the evening newspaper, P.M. News, on September 23 in search of the editor of the evening newspaper.

ICNL said in a statement that five security operatives of the State Security Service (SSS) called at the 26, Ijaiye Road, Ogba premises of the newspaper company asking for the editor.

According to the statement, the security agents who did not find the editor left instructions that he should report at the 15, Awolowo Road, Ikoyi headquarters of the SSS at 10.00 am the next day.

They did not give any reason why they wanted the editor.

27. Rivers State correspondent for the *Vanguard* newspaper, Chris Ikwunze, and his counterpart in *The Punch* newspaper, Akpandem James, were arrested by security agents in Port Harcourt on September 5 and detained for five days without charge or trial.

They were arrested by the Rivers State Internal Security Task Force over publications of a press release issued by the Movement for the Survival of the Ogoni People (MOSOP) to the effect that copies of some books written by the executed environmental rights campaigner, Ken Saro-Wiwa, were impounded by the Task Force.

The journalists were arrested for allegedly exaggerating the incident. Reports said although two books – the Ogoni Bill of Rights and Moment of Truth – were alleged to have been seized from Mr. B.S. Douglas, an Ogoni vendor at the State Secretariat by the Commander of the Task Force, Major Obi Umahi, the press release issued by MOSOP stated that 120 copies of the books were forcefully seized and that the vendor was warned to stop selling Saro-Wiwa's books.

The reports were published on September 4 in the editions of the *Vanguard* and *Punch* which circulate in Rivers State.

James was thereafter invited to Government House in Port Harcourt by the chief Press Secretary to the State's Administrator, Mr. Paulinus Nsirim, where he was arrested when he honoured the invitation. Ikwunze was arrested later.

They were held briefly at the Government House, but later taken away to the Internal Security Detention camp at Okomoko, also in Rivers State.

A sympathizer, Mr. Abijah Abia, who went to the office of the Task Force to inquire about Ikwunze's whereabouts was also arrested, whipped and detained along with the reporters.

Upon their release on September 9, Ikwunze gave an account of the circumstances of their detention. He said they were locked up in a cell measuring eight feet by six feet where they were made to sleep on the bare floor and were fed once a day.

He said on September 7, he was given 10 strokes with a horse whip for smuggling a note from his cell to alert his colleagues of his plight.

The two journalists were released at about 6pm. On September 9, when two aides to Major Umahi went to Okomoko and took them to the commander's house at Bori Camp in Port Harcourt with only their underpants on.

According to Ikwunze, the Major Umahi told them that he regretted that they were getting off cheaply, saying "I regret that you are getting out cheaply due to pressures here and there. I wanted to deal with you people ruthlessly since you've taken it upon yourselves to bring down the government.

He warned the journalists that the next time he arrested them, "I'll hang a string on your neck and ensure that you sink."

28. Journalist Anthony Uranta was in September sentenced to 12 months imprisonment for an undisclosed offences by the Lagos State Task Force on Environmental Sanitation.

Uranta, a former reporter with the defunct *Abuja Newsway*, was arrested by operatives of the Task Force which reportedly arraigned him before the Task Force. Uranta claimed that no charge was laid against him and no plea was taken.

But he was summarily sentenced to 12 months imprisonment which he is serving at the Kirikiri Medium Security Prison in Lagos.

29. The Chairman of the Imo State Council of Nigeria of Journalist (NUJ), Oby Eke Agbai, was on September 3 assaulted by security men at Government House, Owerri, the Imo State Capital and later hospitalized following injuries which she sustained all over her body as a result of the beating.

Agbai, who works with the Imo newspapers Limited, publishers of *The Statesman* and *Sunday Statesman*, said she was flogged indiscriminately with a belt all over her body until she fell down and was crying helplessly.

According to her, she was on a private visit to the Accounts Department of the Government House, when the security men told her that they had instructions not to allow her into the Government House again. But they did not give any reason for the directive.

Agbai said: "I told them that nobody had informed me about the development, and that now that I have been informed, I will comply. They asked me to wait, only to come back and start beating me. They flogged me with belt, indiscriminately. I fell down and was crying helplessly, even before some journalists attached to Government House.

No official reason has been given for the action, but it is believed to have been motivated by comments made by Agbai, at a luncheon party held by the state's military administrator, Colonel Tanko Zubairu, for media executives. She reportedly appealed to the administrator to save the government-owned newspaper, the Statesman, from total collapse.

Three weeks after the assault on Agbai, the state-owned Imo Newspapers Limited queried her over the publication of the incident in some newspapers.

In the query signed by the Managing Director of the newspapers, Mr. Martin Ebe, Agbai was told that "The state government has been embarrassed by publications carried in the Vanguard of Friday, 5 September 1997 (page 4); Guardian of Saturday 6<sup>th</sup> September 1997 (page 3) and the National Concord of Monday, September 8, 1997, which publications are believed to have been sponsored by you."

The management of the newspapers said such behaviour was unexpected of a public officer of her caliber and asked her to "explain in writing why severe disciplinary actions should not be taken against you for sponsoring such news publications and thereby embarrassing the state government.

30. A journalist with the Daily Sketch newspaper, Segun Olatunji, was abducted by operatives of Lagos State anti-robbery squad, "Operation Sweep", in Lagos on September 11.

Olatunji was picked up while returning from then weekly press briefing of the Lagos State Police Public Relations Officer, at about 2.00pm.

According to him, the men from Operative Sweep suddenly swooped on him and some other persons, and whisked them away to an unknown location, where they extorted money from them at gun point, before releasing them later in the day.

31. The Ondo State correspondent of the Vanguard newspaper, Rotimi Ajayi, alleged in September that he was being threatened by an aide of the state military administrator, Navy commander Anthony Onyearughulem.

Ajayi said in a statement that the aide, who claimed to be acting on the administrator's instructions, warned him to stop covering all programmes at Government House in Akure, the state capital.

According to Ajayi, the action was motivated by an assessment of the administrator's performance carried in an edition of the Vanguard, which the government found unfavourable.

32. The acting editor of the Rivers State Government-owned newspaper, The Tide, Agogo Clinto, was suspended from work in September following a critical editorial comment published by the newspaper.

Clinto was suspended from work on September 5 on the orders of the state Commissioner for Information, Miss Mediline Tador. The suspension order was announced repeatedly over the state-owned radio on that day.

Although no official explanation was given for Clinton's suspension, it is believed to have been as a result of an editorial published in September 3 and 4 edition of the newspaper entitled: "save Port Harcourt Roads". The editorial criticized the deplorable condition of roads in the state capital.

33. The editor-in-chief of The News magazine, Bayo Onanuga, was forced to go into hiding on October 6 as security agents carried out a massive hunt for him.

Onanuga, who has frequently been arrested and detained in the past by various categories of security agents, went into hiding after the police issued a warrant summoning him to report at the Police Force Headquarters in Abuja.

The man-hunt for Onanuga hotted up in November as security agents made desperate efforts to arrest him.

On two occasions on November 3, security agents from the Directorate of Military Intelligence (DMI) raided the office of The News in search for him. They first stormed the office at Ogba in Ikeja, Lagos, at about 2.00am and then again at 10.00am on the two occasions, they could not find him.

Earlier that day, at about 1.00am, they raided the home of Ladi Olorunyomi, wife of the exiled former deputy editor-in-chief of The News, Dapo Olorunyomi, and arrested her. They questioned her on Onanuga's whereabouts before she was released later that evening.

Onanuga's colleagues at The News issued a statement on November 19 alleging that they had received information that an army officer had been deployed to Lagos on a "find-and-kill mission" aimed at Onanuga.

He remained in hiding at the year's end as the security agents continued their incessant raids on the magazine's premises in search for him and taking hostages.

34. Iyobosa Uwugbiren, a journalist with the Independent Communications Network Limited (ICNL), publishers of The New, alleged that he was abducted on September 30 by gunmen.

Uwuoghiren, who appealed to the Lagos State Police Commissioner, Alhaji Abubakar Tsav, to save him from assassins on his trial said he was on his way home from the Nigeria Union of Journalists (NUJ) Club House in Somolu, Lagos at about 7.15 pm. When a Peugeot 505 saloon car suddenly pulled up in front of him.

He said three men in the car who pointed guns at him, dragged him inside the car and warned him to steer clear of the legal dispute at a Federal High Court over the election of the chairman of the Lagos State council of the NUJ. Uwuoghiren was the secretary of the election committee of the union polls which took place on August 9.

According to him, "Two of them at the back of the car pointed pistols on my head as the driver sped off. The abductors ransacked my bag, seized a copy of both The News and Tempo and confiscated my tape recorder."

Uwuoghiren said the men later dumped him at the Adeniji Adele Junction of the Third Mainland Bridge at about 1.00am on Wednesday, October 1.

35. The management of Tell magazine alleged in October that 22 of its editors, directors and other categories of workers were being threatened with death by a shadowy organization for their alleged "unpatriotic opposition" to the Nigerian government.

A statement issued on October 29 by the magazine's managing editor, Onome Osifo-Whiskey, said: "A few months ago, a shadowy organization parading itself as above the law and even above public outcry, mailed us what may well be its customized hit list for TELL. It had 22 names of our staff, including the editors and directors on it."

Osifo-Whiskey said besides demanding huge sums of money as ransom for each of the named staff, the organization notified the media house that if it was ready to kill to halt *Tell's* "unpatriotic opposition" to the "powers that rule the land".

According to him, the organization warned that if Tell doubted its resolve about the threats, it should remember the fate of the late nationalist, chief Alfred Rewane, who was murdered in his Ikeja home in Lagos in the morning of October 5, 1995 and a host of other prominent figures assassinated over the last two years.

Osifo-Whiskey said with the invasion of the residence of *Tell's* editor-in-chief, Nosa Igiebor, in September by a detachment of operatives of the State Security Service (SSS) and the Lagos State anti-robbery squad, Operation Sweep, while he was away on holiday abroad, coupled with endless visits by SSS operatives to *Tell's* office in Lagos and the previous week's rumoured assassination of Igiebor, the management was taking the latest threat to the lives of its editors and directors seriously.

He noted that "as the shadowy organization did remind us, this is the land where the Rewanes, the Kudi Abiolas, the Madam Tejuoshos, have been shot dead by assassin without arrest. We know also that only associates and relations of the assassinated end up, too smoothly, arrested and detained."

36. FAME magazine's librarian, Reth Ateloye, who was arrested on September 17 and detained for five days died on October 5 –two weeks after his release. He is believed to have died from a illness which he developed while in detention.

Ateloye, 34, magazine, was arrested by five police men from the Federal Investigation and Intelligence Bureau (FIIB) in Lagos on September 17. The security men had gone to the premises of the weekly magazine in a bid to arrest the editor, Niyi Akinsiju, who was not in. The editor was being sought by the police over the cover story in the July 29 to August 4, 1997 issue of the magazine entitled "Behold sultan Maccido's Teenage Wife". After searching the premises, the security men arrested Ateloye, who was disabled, having previously suffered from poliomyelitis, and walking with the aid of a stick. But Ateloye was not ill at the time of his arrest. The policemen said they would hold onto him until the editor of the magazine reported at the FIIB. At the FIIB at Ikoyi in Lagos, where he was detained, Ateloye was placed in an overcrowded cell, where he said he could not stretch his deformed legs and his blood could not circulate freely through his limbs. He took ill two days after his arrest. When the illness first started, Ateloye complained to the police, but thought he was pretending and took no action. When his condition deteriorated, he was taken to the Police Hospital in Ikoyi four days after his arrest. He was thereafter released on September 22.

But after his release, his condition worsened and he could not resume for work. According to his wife, Oluwafunke, he complained of severe body pains, especially in the lags and his right arm, and could not sleep at night. He was reportedly taken to the National Orthopedic Hospital in Lagos, which gave him an appointment for October 6. But before that date, his condition deteriorated further and he had to be taken to another hospital, Zero Specialist Hospital in Ketu, in the outskirts of Lagos, where he died on October 5.

37. Eight workers at the Yobe State Television (YTV), in Damaturu, the state capital, were assaulted on October 6 by security agents attached to the state Military Administrator, Wing commander John Ben Kalio.

The administrator reportedly ordered the flogging of the television workers following a 45-minute documentary aired by the station on that day, highlighting the achievements of the immediate past administrator of the State, Police Commander Dabo Aliyu. The programme was aired between 9.00pm and 9.45pm in place of the regular network news of the national television

the Nigeria Television Authority (NTA). The documentary mentioned, among other things, achievements in the provision of social services such as creation of boreholes, hand pumps, schools and the promotion of rural infrastructure.

Reports said after Commander Kalio saw the documentary, he ordered soldiers stationed at the Government House to go to the television station, arrest all the staff on duty and bring them to his office. He also ordered that the television station should be shut down.

When the workers were brought, Commander Kalio proceeded to personally supervise the drilling and beating of the station's workers. He ordered the soldiers to stop when he observed that some of the television workers had fainted.

The television workers were then put in a pick-up van and driven to the state headquarters of the State Security Service (SSS), where they were briefly detained before being taken to the hospital for treatment.

The government did not deny news reports of the incident.

38. Security agents raided the premises of Independent Communications Network Limited (ICNL), publishers of the News and Tempo magazines, in Ogba, Lagos, on October 17 and arrested two editors.

Those arrested were Demola Abimboye, associate editor of The News and Gbenga Alaketu, assistant editor of Tempo.

According to Iyobosa Uwuoghiren, a journalist working with the magazines, the plain-clothed security agents believed to be operatives of the State Security Service (SSS), arrived the premises at about 6.40pm. But did not give any reason for their action.

The editors were later taken to the Federal Bureau of Investigations and Intelligence (FIIB) at Alagbon Close in Ikoyi, Lagos, from where they were transferred to Abuja the next day.

At Abuja, they were detained at the Police Force Criminal Investigation Department (CID) Headquarters in Garki District until then evening of October 19, when they were released.

The journalists said after their release that they were questioned about a number of stories published by the two magazines.

39. The Benue State correspondent from *The Democrat* newspaper, Tenkum Kokoh, and his counterpart in the daily Sketch newspaper, Folu Oyewusi, were arrested and detained by police in Makurdi, the Benue State on October 1.

They were arrested while holding a seminar on "Nigeria '98 and the Principles of Rotational Presidency", in commemoration of Nigeria's 37<sup>th</sup> independence anniversary.

While at the seminar, they were invited to a meeting with the police and arrested when they arrived. They were subsequently detained.

No reason was given for their arrest and detention, but they were released a few days later.

40. Security agents in Bayelsa State on October 18 arrested and briefly detained five journalists representing different media establishment who were trying to cover a rally organized by the youths in the area protesting the activities of the Shell Petroleum Development Company and the Federal Government in the Delta region.

The journalists who were arrested are Casmir Igbokwe of *The News* magazine; Wisdom Dike of *The News* magazine; Wisdom Dkie of *The Week* magazine; Joseph Ollor-Obari, a reporter with *The Guardian* newspaper; Tokunbo Awoshakin of *ThisDay* newspaper; and Doifie Ola of *Post Express*.

The journalists had gone to Ogbia, in Bayelsa State to cover the rally when security men raided the town in a bid to stop the rally. But the security agents were unsuccessful as the organizers had arranged an alternative venue for the rally at the nearby town of Itokopiri, unknown to the security men.

The journalists were also unaware of the change in venue and were trying to find the new place when the security agents ran into them and arrested them.

They were thereafter detained and interrogated before they were released several hours later after being warned not to publish any story on the incident.

41. The Kaduna State Correspondent of *The News* and *Tempo* magazines, Henry Ugbolue, was arrested on October 10 by security agents in the state and reportedly tortured for which he had to be hospitalized.

Ugbolue was arrested by security men attached to the Government House in Kaduna and beaten up before he was taken to the Government House where he was detained for several hours and allegedly tortured.

He was released in the evening of the same day and asked to report to the Government House daily. Upon his release, he was hospitalized in Kaduna and treated for the injuries he sustained during the beating and torture.

Although no official reason was given for the action of the security agents, it is believed to have been as a result of a story he published in the October 8 issue of *Tempo* entitled "Goodbye Justice" which reported the sacking of 30,000 civil servants in the state by the Military Administrator, Lt. Colonel Hamed Ali.

Ugbolue went into hiding shortly after his release. But the security agents raided The News office at least three times the following week in search for him. The security men promised to deal ruthlessly with him whenever they caught up with him.

42. The Editor of the *African Concord* magazine, Soji Omotunde, was on October 25 arrested by security agents in Lagos who took him forcibly from his car, gagged him and bundled him into their car.

Reports said Omotunde was driving along Jones Avenue in the Ikeja area of Lagos, when the security agents overtook his car and blocked it with theirs, a Peugeot 505 car. Two men alighted from the car to arrest him.

Although Omotunde asked the security men to allow him to drive his own car to their destination, they refused which led to an argument.

The agents then forcibly wrestled Omotunde to the ground, bundled him into their car and gagged him as he shouted to attract attention. He was driven away to an unknown destination.

African Concord's editor-in-chief, Lewis Obi, said in a statement that the "reason for his arrest is clearly a mystery since the African Concord has been off the streets for six weeks, no thanks to pressures of all kinds, including the abduction and detention of our Abuja Bureau Chief Mohammed Adamu, on July almost in identical circumstances with Omotunde's.

Obi said Omotunde was in bad health as a result of serious injuries he suffered in a car accident in Akure, Ondo State, in January 1997 from which he has not fully recovered. He is said to walk a cane and requires regular medical attention.

On December 16, a Federal High Court judge, Justice Dan Abutu, ordered Omotunde's immediate and unconditional release and also awarded him N100,000 naira as damages for illegal arrest and detention by the security agents. But the Government and its security agents ignored the order and Omotunde remained in custody at the end of the year.

43. The managing editor of *The News* magazine, Babafemi Ojudu, was arrested on Monday, November 17 by security agents as he returned to Lagos from Nairobi, Kenya, where he attended a seminar organized by Freedom Forum.

He was arrested at the border between Nigeria and Benin Republic border popularly known as Seme Border.

A statement by Babatunji Wusu, an administrative officer with the Independent Communications Network Limited (ICNL), publishers of *The News*, said Ojudu was being detained at a secret location.

The government did not give any reason for his detention. He remained in custody at the year's end.

Earlier, on November 8, Ojudu narrowly escaped arrest when a plain-clothed security agent walked up to him on a street in the Ikeja area of Lagos and began questioning him about his

magazine. Ojudu raised an alarm, attracting the attention of people around and as the security agent went to a nearby rendezvous to summon his waiting colleagues, Ojudu escaped.

Ojudu, along with the Editor-in-Chief of *The News* magazine, Bayo Onanuga, were among the winners of the first annual Press Freedom Award of the Canadian Committee to Protect Journalists (CCPJ) announced in September. They were honoured on behalf of the ICNL of continuing to publish their independent news magazines, *The News* and *Tempo*, despite threats, harassment, detention and imprisonment by the regime of General Sani Abacha.

44. The Editor *The News* magazine, Jenkins Alumona, was arrested on November 8 at the premises of the Federal Government owned Nigerian Television Authority (NTA) in Victoria Island, Lagos.

He was arrested by three plainclothes security agents who introduced themselves as having come from the State Security Service (SSS) headquarters at Awolowo Road in Ikoyi, Lagos.

Alumona was first approached by the only female member of the security team, who lured him out of the NTA offices, where he went to take part of the recording of a sports programme, before getting her colleagues to arrest him. They then put him in one of their waiting vehicles with which they drove him to an unknown location.

He remained in detention without charge or trial at the end of the year. He was released in the evening of January 1, 1988.

45. Adetokunbo Fakeye, the defense correspondent of *PM News*, a daily evening newspaper with *The News* group, was arrested on November 4 at Defence Headquarters in Lagos, his regular beat, when he reported on duty.

His arrest was not announced and neither his employers nor his family members were notified by the Defence Headquarters that he had been arrested and detained.

The management of the Independent Communications Network Limited (ICNL), publishers of *P.M. News*, said it became worried when Fakeye did not return to the Office on that day and began investigating the circumstances of his disappearance.

The management said it was after then that it discovered that Fakeye had been detained and that he was number 38 on a list of 38 person detained by the Defence Headquarters in one of its cells.

No reason has been given for the journalist's detention. He remained in custody at the year's end.

46. The Taraba State correspondent of *The News* magazine, Ben Adaji, was arrested in Jalingo, the state capital, on November 17, shortly after he came out of hiding.

Before his arrest, security agents had launched a massive search for him following a story entitled "War in Taraba", which he wrote for *The News* in October. The story reported inter-

communal killings in the Takum district of the state following the alleged intervention of the military government in local government disputes in the area.

Adaji went into hiding weeks earlier when the government reportedly ordered a search for him as a result of the story. He telephoned the magazine's head office in Lagos from his secret hide-out on October 27 to notify his editors of the hunt for him and the scale of the operation.

Adaji returned to Jalingo to resume work early in November after he was assured that the security agents had called off the hunt for him. He was arrested shortly afterwards.

47. The Administration Manager of The News magazine, Rafiu Salau, was arrested on November 18 and detained at the Directorate of Military Intelligence (DMI) headquarters in Apapa, Lagos

Salau was arrested at the DMI headquarters when he went to visit Adetokunbo Fakeye, defense correspondent of the magazine's sister publication, P.M. News, a daily evening newspaper, who was arrested on November 4 and has been in detention since then.

Salau himself remained detained at the year's end for undisclosed reasons

48. Ladi Olorunyomi, a journalist and an assistant director at the Independent Journalist Centre (IJC) in Lagos, was arrested from her home by security agents at about 1.00am on November 3.

The armed military agents who arrested Mrs Olorunyomi, threatened to break into her home if she refused to open the door. They had broken down her gate on the way in and created a disturbance, waking up neighbours in the process.

Olorunyomi was interrogated by military Intelligence agents on the whereabouts of her husband Dapo Olorunyomi, a journalist who fled Nigeria in 1995 following a manhunt for him by security agents over stories published by The News magazine, of which he was deputy editor-in-chief, on the alleged coup plot of March that year.

His colleague and editor of the magazine, Kunle Ajibade, was subsequently arrested over the same stories and is currently serving a 15-year jail term at Makurdi Prison in Benue State following his conviction in July 1995 by a special military tribunal after an unfair secret trial on charges of treason arising from the stories. Dapo now has political asylum in the United States.

Mrs. Olorunyomi was also asked by the security agents to show them where Bayo Onanuga, editor-in-chief of *The News* who is in hiding, lives. She however told them that she did not know.

She was released from custody at about 5.00pm on the same day she was arrested. Upon her release, Olorunyomi was asked to report at 10.00am every day to Military Intelligence Headquarters. The security men also kept her house keys.

Mrs. Olorunyomi and her three-month old baby, Aramide, were arrested and detained for a day in 1993 when security men, who were then searching for her husband, could not find him. She was again arrested in March 1997 and only released after 48 days in detention. No reasons were given by the government or the security agents for her detention.

49. The managing editor of *Tell magazine*, Onome Osifo-Whiskey, was arrested by security agents in Lagos on November 9 as he drove his family, comprising his children and house maid, to Church.

He was arrested by officials of the Directorate of Military Intelligence (DMI) at about 10.30 am in the Ikeja area of Lagos.

Onome Osifo-Whiskey was stopped by security agents who overtook his car in a convoy of four Peugeot 504 cars and was ordered at gun-point to turn around and drive back to his house.

At his house, they put him in one of their cars and drove away, leaving the children and the house maid in front of the house.

An eye-witness reported that the security agents put gun to Osifo-Whiskey's head and that the children started crying: "Don't kill our daddy."

Osifo-Whiskey's wife said all efforts to trace her husband's whereabouts have been fruitless. She said that the State Security Service (SSS), the police and the DMI had all denied having custody of Osifo-Whiskey.

Unofficial sources have given conflicting reports about his whereabouts. While some said he was detained at the DMI office in Lagos, others indicated that he was being held at Abuja, the Federal Capital Territory.

He remained in custody without charge or trial at the year's end.

50. Tell Communications Limited, publishers of *Tell magazine*, alleged in November month that unidentified arsonists were planning to burn down its business premises at Ogba in Ikeja, Lagos.

The Acting Managing Editor, Dare Babarinsa, said in a statement on November 28 that the organization had information that "a comprehensive surveillance of the vicinity of the company's premises was concluded by the arsonists on Thursday, November 20, to burn the company."

According to him, under the plan, the arsonists were to move into the company's premises at about 12.00 midnight on Sunday, November 30 with two vehicles – a Peugeot 504 car and a Peugeot J5 bus – to execute the plan.

Noting that the plan to destroy the company's offices was coming just two weeks after the abduction of the substantive managing editor of the magazine, Onome Osifo-Whiskey, by

security agents on his way to church on November 9, Babarinsa stressed that the organization would remain steadfast in serving the nation.

He reassured the public and the magazine's readers that no form of intimidation or harassment would deter the magazine from performing its lawful duty to the country.

51. The publisher and editor-in-chief of *Thisday* newspaper, Nduka Obaigbena, was arrested by security agents of the Federal Military Government on November 14 at the lobby of the NICON Noga Hilton Hotel in Abuja, where he lodged during a visit to the Federal Capital Territory.

Giving details of the arrest in a statement by its General Manager, Ide Eguabor, the management of ThisDay said: "Before his arrest, a man who identified himself as a security agent, informed the special assistant to Mr. Obaigbena that he (Obaigbena) was urgently wanted at a security office in Abuja for a chat on Monday, November 17, 1997. Shortly after, Mr. Obaigbena was arrested at the hotel lobby'. His arrest is believed to be connected with *ThisDay's* Sunday cover of November 9, 1997 entitled "Four Men Behind Abacha".

"Since then, he has neither returned to his hotel room in NICON Noga Hotel, the office, nor his house in Lagos."

But Obaigbena was reportedly flown back to Lagos and detained at the headquarters of the Directorate of Military Intelligence (DMI) in Apapa, and held in solitary confinement until November 20 when he was released without charge or trial.

In another statement announcing his release, Eguabor said the publisher was interrogated by the security agents on the November 9 story.

52. The Arts Correspondent of the *Post Express* newspaper, Akin Adesokan, was arrested by security agents in Lagos on November 12 at the border between Nigeria and Benin Republic, popularly known as Seme Border, as he returned to the country.

But the fact of his arrest and detention remained unknown to anyone, including his employers and family members until about two weeks after he was picked up.

Adesokan, whose first novel, *Roots in the Sky*, won the Association of Nigerian Authority (ANA) prize for fiction in 1996, was returning to Lagos from the United States and Austria where he had various writing fellowship programmes.

He was in the United States on a fellowship from the Villa Aurora Foundation for European-American Relations, in conjunction with the Getty Research Institute, Adesokan was the first African writer to be awarded the fellowship.

He left the U.S. for Austria where he attended a four-month writer-in-residence programme. He was returning to Lagos at the end of the programme when he was arrested.

No reason was given by the government for Adesokan's detention. He remained detained until the evening of January 1, 1988, when he was released without charge or trial.

53. Three journalists with the *Post Express* newspaper were questioned in November by operatives of the State Security Service (SSS) following an article published by the newspaper examining the human rights situation in Nigeria during the Abacha Administration.

The journalists are Chukwuemeka Gahia, editor of the newspaper's "Special Section" which covers human rights issues; Chris Ndiribe, a reporter and another journalists, Emeka Nwoka.

The security agents, from the SSS headquarters at Awolowo Road in Ikoyi, Lagos visited the newspaper's offices in November 19 in search of the journalists who were all out of the office at the time of the visit.

The security operatives were angered by a story published by the newspaper on November 15 in which it examined the human rights record of the regime in the last four years, to coincide with the fourth anniversary of the assumption of office by the head of State, General Sani Abacha.

They left instructions for the wanted journalists to report at the SSS headquarters. The journalists did so on November 21.

After subjecting the journalists into interrogation, the security agents told them that they had been "pardoned" and they were allowed to go.

But they were warned not to publish their proposed assessment of the performance of military administrators in the last four years without clearance from the SSS.

They were also instructed to ask the General Manager of the newspaper, Dr. Chidi Amuta, to report at the SSS office.

The security agents were also in search of another journalist with the newspaper, Olayinka Olabode, over a story he wrote on the burial of the late Chairman of the National Democratic Coalition (NADECO), Chief Adekunle Ajasin, in Owo, Ondo State, during the month.

54. The publisher of the Abia State-based Weekly newspaper, *Rising Sun*, Joshua Nnayerum Ogbonna, was declared wanted by the Nigerian Police Force on November 12 as a result of an unspecified article published by the newspaper.

In a press bulletin issued on the same date, the zone 6 headquarters of the Police said Ogbonna was wanted by the zone's Criminal Investigation Department (CID) in Calabar, Cross River State, for criminal defamation contained in the publication.

But the Police did not specify the issue of the newspaper which contained the alleged criminal defamation or cite the offending article.

55. Two journalists, Owei Lakemfa and Charles Oni, were arrested by officials of the State Security Service (SSS) camp in Oyo State, on November 25, while they were attending workshop for labour reporters.

Lakemfa, who was coordinating a four-day training workshop and Oni, a participant, at the workshop, were arrested by the police at the workshop, which was then stopped. They were taken to a police station in Oyo, from where they were taken to the Oyo State office of the SSS at Ibadan, the state capital.

The journalists were detained at the SSS centre where they were questioned for holding a workshop without the permission of the police.

They were however released later that day.

56. The Benue state correspondent of *The News* magazine, Sunday Orinya, was severely beaten on December 2 by soldiers at the Government House in Makurdi, Benue State.

He was arrested at Benue Hotel, Makurdi where he had gone for an assignment, and then taken to the Government House, where he was stripped naked, given 120 strokes with a horse-whip and dumped in a toilet for about four hours.

The beating was said to have been ordered by the state Administrator who was offended by a story entitled “Makurdi – Fire and Sex” written by Orinya and published in the December 8 edition of *The News*. The story examined a number of fire incidents in the State and the presence of prostitutes at Government House official activities.

Narrating his story, Orinya said he was saved by the crowd of government staffers from being thrown out from the multi-storey building at the Government House by Captain Sa’ad, the Chief Security Officer to the Military Administrator.

According to him, “They started kicking and dragging me, the Chief Security Officer tore my Tee-Shirt. Thereafter, he asked his men to work on me. Instantly, all of them, about 15, started beating me with horse-whip. They whipped me for about one hour, thirty minutes and I fell sown unconscious. They poured water on me to revive me and they started kicking me again. They asked me to walk on my knees over granite for over 30 minutes. They also asked me to spin round with a finger on the ground after which they asked me to walk with my head. I collapsed again and I was dragged into the toilet where I was left till I became conscious after over two hours.”

Captain Sa’ad withdraw Orinya’s accreditation to cover events at Government House before he was released at about 6.30pm later that day. Upon his release, Orinya had to be treated at a private clinic in Makurdi for severe injuries he sustained during the assault.

57. The Ondo State Correspondent of the Ibadan-based *Daily Monitor* newspaper, Femi Afolabi, was arrested in Akure, the state capital, on December 16 and detained until December 18 when he was arraigned before an Akure Magistrate’s Court on charges of sedition.

The action followed his publication in the newspaper's December 15, 1997 issue entitled "Chief Judge Dares State Government: You Can't Send Me On Leave" in which he alleged in its lead story that the State's Chief Judge, Justice Sydney Afonja, had refused to proceed on his three-month retirement leave preparatory to his quitting the Bench as is traditional.

Afolabi was arrested by the police the next day upon a complaint made by Justice Afonja and detained at the Jighakoro Road Police Station in Akure. He was detained until December 18 when he was granted bail by the magistrate court before which he was charge with seditious publication and further hearing in the case was fixed for January 22, 1998.

However, on December 29, Justice Afonja wrote to the State Commissioner of Police, Iliya Lokadang, withdrawing his complaint against Afolabi. In the letter entitled "Withdrawal of Complaint", Justice Afonja said: "Upon further deliberations on the matter, it has been decided that the complaint and the charge against the said reporter be withdrawn in furtherance of the usual good relationship between the state government, the judiciary and the press in a common cause of maintaining peace, social justice and fair play within the community."

He therefore requested the Police Commissioner to ensure that his wish was carried out by the prosecutor and the presiding chief magistrate on January 22, the date to which the case was adjourned.

58. The acting editor of the Federal Government owned *New Nigerian* newspaper, Mahmud Jega, was arrested in Kaduna on December 1, last year and briefly detained over an editorial comment published by the newspaper.

Jega was taken to the Kaduna State Police command headquarters where he was detained for five hours,

He said in a statement after his release that the security agents were angry over the newspaper's editorial of November 27, entitled "A Fire Too Many" after the November 10 fire incident which destroyed the Kaduna Central Market in the heels of two other such fire outbreaks in the state which destroyed part of Sabon Gari Market in Zaria and an old Panteka Market also in Kaduna.

After examining the fire incident, the editorial endorsed a call by Festus Okoye, a human rights lawyer and Executive Director of Human Rights Monitor in Kaduna, for the setting up of a high-powered judicial probe into the fire incidents.

The police were angered by the editorial's reference to 12 people who may have died in the Kaduna Central Market Fire.

Jega was, however, released later that day after the managing director of the newspaper, Dr. Abubakar Rasheed, intervened. But the security agents threatened that he could still be summoned anytime the need arose.

59. The editor of *The Diet newspaper*, Niran Malaolu, was arrested on December 28, 1997 by soldiers from the Directorate of Military Intelligence (DMI) at the premises of the newspaper. No official reason has been given by the authorities for his arrest.

Malaolu was arrested with the newspaper's night editor, Wale Adele; the Head of Computer Unit, Emeka Egerue, and Mr. Emma Avwara, a production sub-editor. But Adele, Egerue and Avwara were however released on December 29.

*The News* editor, Tokunbo Olorunsola, said although those released were asked to report at the DMI on January 2, they were neither interrogated nor told why they had been arrested.

According to him, Malaolu and the three others were arrested at 10.40p.m by four armed soldiers who came in a dark blue Peugeot 505 car with registration number BF 71 EKY and reportedly scaled the high walls surrounding the newspaper's premises to gain entrance. He said the security agents threatened to deal with anybody refusing to comply with their instructions.

Reports indicate that Malaolu is being detained at the DMI offices in Apapa and that he has repeatedly collapsed in custody. No reason was given for his arrest and detention. He remained in detention at the year's end.

60. The Lagos State correspondent of the Ibadan-based newspaper, the *Daily Monitor*, Dr. Abdul-Rahman Balogun, was on December 2 beaten to a stage of coma by soldiers on the Ogun State anti-robbery squad, "Operation Wedge," following a traffic accident.

According to Balogun, who was driving from Lagos to Ibadan, a convoy of cars accompanying Ogun State Military Administrator, Wing Commander Sam Ewang, suddenly emerged from the Sagamu road to join the Lagos-Ibadan expressway. Unable to stop in good time, he collided with the rear escort car in the convoy.

He said as the collision occurred, three cars in the convoy stopped while all the others sped off. The occupants of the three cars dragged Balogun out of the car onto the road and started to beat him with butts of their guns, batons and well as blows after which they bundled him into one of the cars and were driving away with him when his identity card fell out of his pocket.

Upon examining the identity card, the leader of the team directed his men to stop the beating. They then confiscated all items found on him, including his vehicle particulars, his newspaper's identity card as well as the Lagos State Government House accreditation identity card, before they left him go with instructions that he should report at the Ogun State Government House in Abeokuta.