

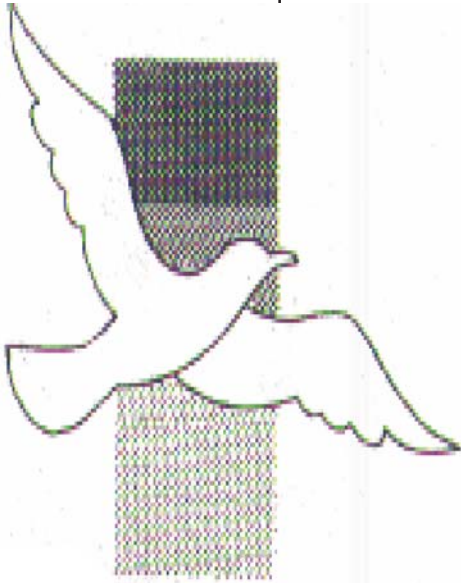
# At A Crossroads

Year 2000 Annual Report On The State Of  
The Media In Nigeria



# At A CrossRoads

A Report on the State of the Media in Nigeria in Year 2000



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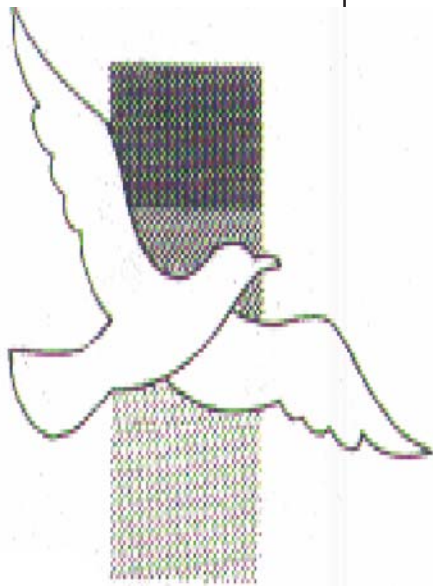
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## Foreword

This is the eighth year of existence of Media Rights Agenda. MRA was established at a time when Nigeria's traditionally vibrant press was under massive attack resulting in frequent arrest and detention of journalists, confiscation of publications, closure of media facilities, banning of publications, assault on journalists, promulgation of repressive press decrees, legal persecution and murder of journalists, as well as other forms of censorship.

MRA was thus a child of necessity founded to give succor to journalists who meet with repression while engaged in the lawful pursuit of their professional duties.

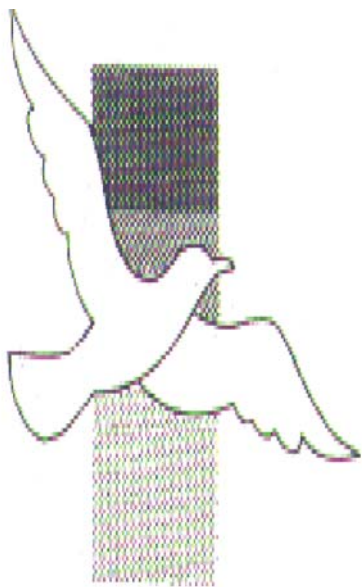
To this end, it renders legal assistance to journalists who were physically attacked, arrested or detained, or unjustly dismissed from their work or were harassed in other ways.

Over the last four years, since 1998, MRA has issued an annual report on the state of the Nigerian media. All these efforts are geared towards promoting a conducive environment for unfettered media practice.

While we call for, and work towards, improvement in the economic, legal and institutional frame work for media practice in Nigeria, we also demand from media owners, media managers and journalists necessary self restraint in the discharge of their duties, without self censorship.

In a couple of months, the present democratic government of President Olusagun Obasanjo will clock two years in office. Considering the role of the media in achieving this civilised system of governance, and the role it could still play towards ensuring its sustenance, it remains a sad commentary that many of the numerous obnoxious laws which the successive repressive military regimes used in hounding the media are still in the statute books and no official efforts has been made to make these laws conform to international standards. Even when private initiatives have been taken in this regard, there has been no enthusiasm on the part of the government to align itself with such efforts.

Similarly, expectations that the media would take full advantage of the recent enthronement of democratic system of government in Nigeria to assess itself and correct the ills occasioned by the prolonged repressive military rule, have not resulted in any gladdening outcome. Sections of



the media have steeped deeper and deeper in its unprofessional habits.

This report is a chronicle of woes in the media perpetrated by the government against the media and the failure of the media itself to seize the opportunity offered by the present relative clement environment to re-position itself to carry out effectively the duties assigned it by the Nigerian Constitution.

The situation is so hazy that it is even difficult to project into the future. We can only hope for the best.

**Edetaen Ojo**  
Executive Director  
Media Rights Agenda  
March 2001



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## CHAPTER ONE

# OVERVIEW OF THE STATE OF THE NIGERIAN MEDIA

**T**heoretically, the Nigerian media enjoys the guarantees of freedom of expression and of the press contained in the Nigerian Constitution and a plethora of international human rights instruments to which Nigeria is a signatory.

The 1999 Nigerian Constitution, like its forebear, expressly guarantees freedom of expression. This guarantee is contained in Sections of the Constitution and is clearly in line with international instruments protecting this right.

Section 22 of the 1999 Constitution also empowers the press and other agencies



## Overview Of The State Of The Nigerian Media

of the mass media to "... uphold the responsibility and accountability of the government to the people"

Section 39(1) provides that: "Every person shall be entitled to freedom of expression, including freedom to hold opinions and to receive and impart ideas and information without interference".

In better, more encompassing and acceptable words, the Universal Declaration of Human Rights provides in Article 19 that: "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and ideas through any media frontiers."

The International Political Rights (ICCPR) ratified similarly stipulates in "Everyone shall have the expression; this right seek, receive and impart all kinds, regardless of writing or in print, in the any other media of his

Nigerian government to claim that the country's Africa even during the hey-

dictatorship. Of course most Nigerians knew the bitter truth, which continues to subsist till date: the Nigerian media has never been free. Rather, Nigerian media practitioners have only managed to remain vibrant at the risk of incurring the displeasure of the powers that be, whether military or civilian. The year 2000 under President Olusegun Obasanjo was no exception.

After the extremely suffocating years of media practice in Nigeria during the fifteen years of military dictatorship, the assumption of office of the present civilian democratic government of President Obasanjo, especially during the course of the year 2000, provided the Nigerian media a golden opportunity. It was an opportunity for the media to savour the freedom inherent in and synonymous with democratic governance, which it had campaigned and fought for at great risk. It was also an opportunity for the Nigerian media to take a hard, critical and unhurried look at its self and reposition for the defence of democracy.

But as the media took stock and fought the battle to achieve and ensure the injection of transparency and accountability into the governance process and set a respectable minimum standard for all who seek public offices, it found stiff opposition on its way. A battle had been won all right, but the war still raged, needing as much,

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***The government and numerous Nigerians laid sundry obstacles and land mines on the way of the media in its efforts to build on the successes achieved in realising the enthronement of democracy***  
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impart information and and regardless of

Covenant on Civil and which Nigeria has its Article 19 that: right to freedom of information and ideas of frontiers, either orally, in form of art, or through choice."

officials have never tired media is the freest in days of military

## Overview Of The State Of The Nigerian Media

if not more than the initial effort, to be committed to its execution. The government and numerous Nigerians laid sundry obstacles and land mines on the way of the media in its efforts to build on the successes achieved in realising the enthronement of democracy. The obstacles came in several ways, manners and facades.

For instance, despite the May 29, 1999, return of power to civilian government headed by President Obasanjo, the Nigerian media operated under practically the same legal regime that existed during the years of military dictatorship. These include the regimes of General Ibrahim Babangida, late General Sani Abacha and General Abdusalami Abubakar.

The changes that occurred in the Nigerian media environment since the enthronement of the new civilian administration, including during the year 2000, were only in terms of easing the hitherto hostile physical acts of censorship encouraged and perpetrated by the country's successive military regimes. It is sad to note that these changes were not as a result of deliberate efforts of the present government of President Olusagun administration.

Even more saddening is the fact that during the year 2000, the Nigerian government did not show any commitment to repealing the existing obnoxious laws despite the leadership role the media played in ensuring the enthronement and sustenance of its nascent democracy.

Granted that the Nigerian government failed in providing a clement environment for the practice of journalism during the course of the year 2000, the media on its part failed the Nigerian people on numerous occasions. The media not only failed to seize opportunities to moderate, act as a unifying force and broker peace between the various warring factions in the numerous crises that manifested during the year, but rather, it engaged in numerous activities that contributed to the overheat experienced by the Nigerian polity. Political debates and alignments in the media reflected divisive considerations and thereby threatened the foundation of the very democratic government it fought so hard to enthrone.

In addition, the media was plagued with corruption and unethical practices thereby exposing itself to charges of partisanship and lack of adherence to the sacred code of objectivity as well eliciting concerns and criticisms both locally and internationally. Activities of Beat Associations posed perhaps the greatest source of concern in the battle to ensure greater professionalism in the media.

Quite often, these associations operated like cartels and constantly pressured members of the public to render financial assistance and as well routinely gave bogus awards to "deserving" members of the public who clearly were undeserving of such honours.

Researches conducted by Media Rights Agenda in the year 2000, showed that journalists routinely set aside their professional judgment in the performance of journalistic functions and engaged in over simplification, exaggeration and outright

## **Overview Of The State Of The Nigerian Media**

sensationalism, suppression and outright distortion of facts, political partisanship and bias and ethnicity. They often failed to show religious sensitivity in many of their reports, especially during conflict situations, and almost always did not give all parties to an issue the benefit of responding to charges laid against them.

In some cases, some journalists and media organisations took on a crusade against individuals or organisations for alleged wrongdoing. In many of such cases, such individuals or organisations, fearing the consequences to their image of a blistering media attack were compelled to "negotiate" peace. For individuals, prices were usually in form of physical cash and placement of advertisement slots in cases of organisations, or some other means.

All of these went a long way in affecting the facts fed the public by the media and which in turn lowered the media's credibility.

## **Rough Road To Freedom**

**T**he Nigerian people won a major battle during the year 1999: It attained democratic governance. There is no doubt that if the struggle for democratic governance is simulated into a militarily conducted war, the Nigerian media would stand out as the Commander-in-Chief of the campaign. Yet for the media, despite its role in the struggle, its road continues to be rough. Interpretation: The war is yet over.

Indeed, despite the attainment of democracy in May 1999 and the contributions

## General Environment

of the Nigerian media in the struggle for this purpose by the Nigerian people, numerous actions of the Nigerian government all through the year 2000 tended to play down this fact. Numerous actions of the government towards the media showed and buttressed the fact that in the opinion of officials of the Nigerian government, whatever the Nigerian media may have contributed towards the realisation of the present democratic governance counts for nothing.

For instance, early in the year, instead of kudos, *TELL* magazine and its editors, in a curious twist of fate, came under attacks from President Obasanjo and Senators for exposing a senator who appeared to be canvassing a return to military rule in Nigeria.

Performing its constitutional duty of informing the people, *TELL* magazine had published an interview granted its correspondent by Senator Joseph Waku (PDP Benue State), who in exercise of his right to freedom of expression had called on "professional coupists" to take-over the democratic government of President Obasanjo.

The President, in addition to criticising the press for "betraying" him, accused it of having been uncooperative and determined to ensure his failure. Besides, he kept away from his monthly media dialogue on the Nigeria Television Authority (NTA), until he was advised by his officials that he, and not the press, benefits from the dialogue.

The Senate, on its part, summarily censured Waku by hastily slamming a suspension order on him for expressing his political views considered unpopular by them and several Nigerians.

Not done with the media, *TELL* magazine's Jos Bureau Chief, Mr. Major Adeyi, who conducted the interview, was arrested at his office in Jos on February 3, at 1.30 a. m. by a team of Policemen from the State Command of the Criminal Investigation Department (CID). He was later driven to the Nigerian Police Headquarters in Garki, Abuja in the Federal Capital Territory. Mr. Sunday Gabriel Ehindero, the Plateau State Police Commissioner had earlier interrogated him in Jos.

Numerous commentators criticised *TELL* magazine for publishing Senator Waku's views. Even Waku did not help matters. Overwhelmed by the public outburst and condemnation that greeted his views, he first denied granting the interview, only to later change his story by claiming that the summary of his views were not correct but aimed at gaining commercial favour. In a radio network interview on February 9 on the Federal Radio Corporation of Nigeria (FRCN), he said he had initiated legal proceedings against *TELL* magazine.

*TELL* however stood by its story and condemned the clearance of Senator Waku, whom it said actually uttered the sentence: "It is better for the professional coupists (sic) to take over while we wait for a better time".

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The magazine, in fact, said it had taken the most cautious steps before publishing the interview seeing the explosive comments of the Senator. According to the editor, upon receipt of the manuscript, they got in touch with the reporter to "make double-sure" if the Senator did, indeed, express those views and made the allegations therein and asked the senator whether he would have a rethink about the interview being published. The Senator said he stood by its content and had no qualms if it were published.

Sadly, in the heat of the moment, apparently too accustomed to the denial of press freedom and the by the military, Nigerians appreciate the beauty of are guaranteed by Sections Constitution of the Federal

Indeed, the incident the difficulty Nigerians had coming to terms with a democratic rule and value;

As the year wore on, despite the return to civil Nigerian media would still censorship, emerged. In withdrew the accreditation journalists covering the

Abuja. The action denied not less than 31 journalists and about 30 media organisations, access to the seat of government in addition to other journalists whose previous requests for accreditation had been pending.

The government pleaded a nebulous security implication and claim of inadequate space for the "large" retinue of journalists that have applied to be accredited to cover the State House for their media organisations.

But investigations revealed that the government's other excuse for pruning the number of accredited journalists into the State House, which was inadequate facilities, was simply hollow. Most of the accredited journalists, especially those representing magazines, do not usually go to the State House except when there are special events. The situation, therefore, was such that the press centre usually had below 40 journalists at any time. The exercise, besides seeking to wind down media presence at the State House, was surreptitiously aimed at censoring the media.

On the whole, the action called to question the President Obasanjo administration's declared commitment to openness and accountability in governance. In addition, the action was a clear violation of press freedom of the Nigerian media and freedom of expression of Nigerians guaranteed by Sections 22 and 39 of the

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Presidential Villa,

## General Environment

1999 Constitution and clearly at variance with international instruments guiding these freedoms.

One supposed act of goodwill towards the media by the Nigerian government's during the year turned out to be half-hearted and, therefore, suspicious. Following a National Council of State meeting in Abuja in June, the government announced through the Ogun State governor, Chief Segun Osoba, that it had granted pardon to the four journalists who were implicated by the late General Abacha's regime along with General Obasanjo and his erstwhile deputy, late General Shehu Yar 'Adua, in the phantom coup of 1995. The journalists had been secretly tried along with serving and retired military officers and sentenced to life imprisonment. The life jail was later commuted to 15 years each. The General Abubakar regime released them. The four journalists are Kunle Ajibade, then editor of *TheNEWS* magazine; Ben Charles Obi, former editor of the defunct *Classique* magazine, George Mbah, a senior assistant editor with *TELL* magazine, and Chris Anyanwu, former publisher and Editor-in-Chief of the defunct *The Sunday Magazine* (TSM).

The journalists rejected the offer. In rejecting the offer of pardon, the journalists cited several fundamental flaws in the gesture and said some issues remained unresolved which make the pardon a Greek gift.

The journalists, through their solicitor, Mr. Femi Falana, subsequently wrote to the Federal Government on July 5, through the Attorney-General of the Federation, Chief Bola Ige, rejecting the pardon and instead demanded the setting up of a judicial panel "to review their illegal arrest, detention, trial and conviction with a view to setting aside same ..."

The first flaw, according to the journalists, was that the grant of pardon presupposes that the journalists had indeed committed an offence for which the state in its magnanimity had undertaken to wipe off the record. Secondly, the inclusion of Alhaji Salisu Buhari, the disgraced former Speaker of the House of Representatives in the list of pardoned Nigerians made nonsense of the exercise. Alhaji Buhari was on August 3, 1999 convicted on charges of forgery and perjury by an Abuja Magistrate Court after the media had exposed his forgeries and lies. In less than a year, the government of President Obasanjo considered it expedient to grant him pardon.

Thirdly, they claimed that the government by granting the pardon instead of waiting for the findings and recommendations of the Justice Chukwudifu Oputa-led Human Rights Violation Investigation Commission (HRVIC), which had been given the mandate to look into cases of Human Rights abuses during the period of their ordeal, clearly amounted to a disregard for the panel.

Further, they argued that while the government found it convenient to address the issue of pardon, it has surreptitiously ignored their request for compensation for the inhuman treatment, untold hardship and deprivation that they suffered during the period of their trial and incarceration. This, indeed, was paradoxical because the



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government was of the opinion that the issue of compensation for the journalists was a non-issue, when on the other hand the military officers who were convicted in same circumstances had been compensated with their ranks restored and their benefits paid following their similar pardon by the President.

Besides briefing their counsel to approach the court to seek redress, the journalists also took their case to the Justice Oputa-led Human Rights Violation Investigation Commission on December 5. They used the occasions not only to recount their ordeals, but restate their innocence of any offence, seek for justice and compensation for the monumental losses

denied knowledge of the phantom coup and circumstances leading to their trial be investigated of the stigma of being coup

Also at the lawyer and human rights Fawahimi, who petitioned death, via a parcel bomb, of editor-in-chief of

Chief Fawehinmi, who General Babangida and his the murder of the journalist, commission to hear the the alleged offence was

Commission had proposed to wind-up its sitting on Lagos on December 8 and move on to another part of the country. General Babangida constantly expressed his unwillingness to come to Lagos to testify in the petition and he successfully rebuffed the commission.

Curiously, while the Nigerian government of President Obasanjo was in a hurry to grant pardon to Alhaji Buhari, Niran Malaolu, former Editor of *The Diet* newspaper was not granted pardon. Malaolu was convicted and given similar sentence to the other journalists on a charge of "concealment of treason" in 1998, and released on March 4, 1999. During the course of the year, the government defended as valid and fair Malaolu's trial. Its defence of the trials was made in its response in September to a complaint lodged against it by Media Rights Agenda (MRA) at the African Commission on Human and Peoples' Rights in Banjul, The Gambia.

In the complaint lodged with the Commission in May 1998, MRA complained about Malaolu's arrest at *The Diet* newspaper office in Lagos on December 28, 1997, his detention and subsequent arraignment, along with some senior military officers and other civilians, before the special military tribunal constituted under the Treason and Other Offences (Special Military Tribunal) Decree No. 1 of 1986 on

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charges of treason.

MRA requested the Commission to hold, in accordance with the principles previously established by the Commission in several decided cases, that the Government of Nigeria had violated Articles 3, 4, 5, 6, 7 9 and 26 of the African Charter on Human and People Rights.

It urged the Commission to direct the Nigerian Government to take necessary steps to quash Malaolu's conviction by the Special Military Tribunal owing to the fact that it was a blatant miscarriage of justice as the entire trial was marred by either a series of actions or inaction which violated Malaolu's rights.

It also requested the Commission to direct the Nigerian Government to pay compensation to Malaolu for the numerous violations of his fundamental rights, which he suffered in the course of his arrest, detention, trial, conviction and subsequent imprisonment.

However, in a defence lodged on September 22 at the African Commission on behalf of "competent Nigerian authorities" by the Nigerian High Commission in The Gambia, the Government contended that: "Malaolu's trial was conducted under a law which was validly enacted by competent authority at the time".

The Government explained that "The treason and Other Offences (Special Military Tribunal) Act, CAP. 444 of the Laws of the Federation of Nigeria, 1990 under which Malaolu was tried rose from the ashes of the Treason and Other Offences (Special Military Tribunal) Decree No. 1 of 1986 enacted by the Military Government headed by General Ibrahim Babangida (Retired)."

It submitted that "Malaolu was, therefore, charged, tried, convicted and sentenced to life imprisonment in accordance with the provisions of a known law."

In challenging MRA's argument that the trial violated Malaolu's fundamental rights, the Government stressed that "Malaolu was tried along with a number of other people accused of involvement in alleged plot to overthrow the late General Sani Abacha."

On MRA's contention that Malaolu's trial was unfair as, among other things, it violated Section 33(4) of the 1979 Constitution, the Government said: "It can be argued that the right to a fair hearing in public was subject to the proviso that the trial court or tribunal might exclude from the proceedings persons other than the parties thereto, in the interest of defence, public safety, public order, etc."

The Government claimed, however, that: "The whole episode took place during a prolonged military regime. It is well known all over the world that military regimes are abnormal regimes and a painful aberration. There was no way of controlling any wanton acts of abuse of fundamental human rights by a military junta determined to stay in power at all costs, no matter whose ox is gored."

Regardless of the claim, the Government said it intended to "provide effective and adequate representation" to contest the complaint at the hearing scheduled for

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the 28th Ordinary Session of the African Commission, which was scheduled to take place in Cotonou, Republic of Benin, from October 23 to November 6, 2000.

The defence put up by the Nigerian government headed by President Obasanjo clearly amounted to shooting itself on the foot. This is because, ironically, President Obasanjo was tried, convicted and sentenced to life imprisonment under the same law and through a similar process in 1995 and had consistently maintained that his trial and conviction were unfair and illegal.

MRA had complained that the arrest and subsequent detention of Malaolu were arbitrary as he was neither shown any warrant of arrest nor informed of the offences for which he was arrested. It also complained that Malaolu was arrested by armed soldiers from the Directorate of Military Intelligence at his office on December 28, 1997 and detained incommunicado at a military facility in Lagos until he was moved to Jos, where his trial took place, contending that these acts contravened Article 6 of the African Charter.

It complained that until he was arraigned before a Special Military Tribunal two months after his arrest for his alleged involvement in a coup plot, Malaolu was neither informed of the reasons for his arrest nor of any charges against him.

Deciding these issues, the Commission recalled its Resolution on the Right to Recourse Procedure and Fair Trial, where, in expounding on the guarantees of the right to fair trial under the African Charter, it observed that "...the right to fair trial includes, among other things, the following ...Persons who are arrested shall be informed at the time of arrest, in a language which they understand of the reason for their arrest and shall be informed promptly of any charges against them.'

The Commission held that the "failure and/or negligence of the security agents who arrested the convicted person to comply with these requirements is, therefore, a violation of the right to fair trial as guaranteed under Article 7 of the Charter."

MRA had also complained that the decision of the Tribunal which tried and convicted Malaolu was not subject to appeal, but confirmation by the Provisional Ruling Council (PRC), a body which was neither independent nor impartial. It said it violates Article 7(1)(a) of the African Charter.

MRA noted that prior to the setting up of the tribunal, the Government organised intense pre-trial publicity to persuade members of the public that a coup plot had been uncovered and that those arrested in connection with it were guilty of treason. The organization, therefore, contended that such trial which excludes members of the public and the press by the tribunal could not be justified, and was therefore in breach of the right to fair trial, particularly, the right to presumption of innocence.

The Commission noted that Government did not contest the veracity of MRA's averment, saying that in the circumstance, the Commission is obliged to accept the allegations as the facts of the case. It, therefore, found the Nigerian Government in violation of Article 7(1)(b) of the African Charter.

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It conceded that neither the African Charter nor the Commission's Resolution on the Right to Recourse Procedure and Fair Trial contain any express provision for the right to a public trial. That notwithstanding, it said, the Commission is empowered by Articles 60 and 61 of the African Charter to draw inspiration from international law on human and peoples' rights and to take into consideration as subsidiary measures other general or special international conventions, customs generally accepted as law, general principles of law recognised by African States as well as legal precedents and doctrine.

Invoking these provisions, the Commission adopted General Comment 13 of the United Nations Human Rights Committee on the right to fair trial, Paragraph 6 of which states that "The publicity of hearings is an important safeguard in the interest of the individual and of society at large. At the same time Article 14, paragraph 1, acknowledges that courts have the power to exclude all or part of the public for reasons spelt out in that paragraph. It should be noted that, apart from such exceptional circumstance, the Committee considers that a hearing must be open to the public in general, including members of the press, and must not, for instance, be limited only to a particular category of persons..."

The Commission noted that the exceptional circumstances under the International Covenant on Civil and Political Rights (ICCPR), which the UN Human Rights Committee monitors outlined, are for reasons of morals, public order (order public) or national security in a democratic society, or when the interests of justice so demand.

It stressed that these circumstances are exhaustive, as indicated by the use of the phrase "apart from such exceptional circumstances". It further observed that "the Government has only presented an omnibus statement in its defence to the effect that the right to fair hearing in public was subject to the proviso that the court or tribunal might exclude from the proceedings persons other than the parties thereto in the interest of defence, public safety, public order, etc."

The Commission remarked that the Government did not specifically indicate which of these circumstances prompted it to exclude the public from Malaolu's trial and therefore ruled that the arguments were not sufficient enough to avail the Government of such defence.

The Commission said: "Considering the fact that, as alleged by the complainant, prior to the setting up of the tribunal, the Government had organised intense pre-trial publicity to persuade members of the public of the occurrence of a coup and the involvement of those arrested in connection with it, the Commission is constrained to find the exclusion of the same public in the actual trial unjustified and in violation of the victim's right to fair trial guaranteed under Article 7 of the Charter."

MRA had also complained that prior to his arraignment, precisely, for the 49 days he was detained, Malaolu was not allowed access to his lawyer, neither was

## General Environment

he given the opportunity to be represented and defended by a lawyer of his choice at the trial. Rather, MRA said, he was assigned a military lawyer by the Tribunal. MRA therefore submitted that by refusing Malaolu access to his lawyer, the Nigerian Government contravened Article 7(1) (c) of the African Charter.

The Commission noted that in its Resolution on the Right to Recourse and Fair Trial, it had observed that "In the determination of charges against individuals, the individuals shall be entitled in particular to . . . communicate in confidence with counsel of their choice."

The Commission, therefore, ruled that the denial of this right to Malaolu was a violation of these basic guarantees.

MRA had complained that the Special Military Tribunal which tried Malaolu was neither competent, independent nor impartial because members of the Tribunal were selected by General Abacha, and the PRC, against whom the alleged offence was committed. Some members of the Tribunal were also serving army officers and that the President of the Tribunal, Major-General Victor Malu, was also a member of the PRC, which is empowered by Decree No. 1 of 1986, to confirm the sentences passed by the Tribunal. It argued that this was a breach of the right to a fair trial as stipulated in Article 7(1) (d) of the African Charter.

The Commission observed that the Government did not refute this specific claim, but only stated that the Treason and Other Offences (Special Military Tribunal) Act, under which Malaolu was tried, arose from the ashes of Decree No. 1 of 1986 enacted by the then Military Government headed by General Ibrahim Babangida.

The Commission said it was not interested in the history and origin of the laws and why they were promulgated, but what was of concern to it was whether the trial was in conformity with fair hearing standards under the African Charter.

The Commission held that the selection of serving military officers, with little or no knowledge of law, as members of the Tribunal contravened Principle 10 of the Basic Principles on the Independence of Judges.

In the same vein, the Commission ruled that it considered the arraignment, trial and conviction of Malaolu, a civilian, by a Special Military Tribunal, presided over by serving military officers, who are still subject to military commands prejudicial to the basic principles of fair hearing guaranteed by Article 7 of the African Charter.

The Commission stated its general position on the trials of civilians by Military Tribunals.

It recalled that in its Resolution on the Right to Fair Trial and Legal Assistance in Africa, it had, while adopting the Dakar Declaration and Recommendations, noted that "In many Africa countries, Military Courts and Special Tribunals exist alongside regular judicial institutions. The purpose of Military Courts is to determine offences of a pure military nature committed by military personnel. While exercising this function, Military Courts are required to respect fair trial standards. They should not

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in any circumstances whatsoever have jurisdiction over civilians. Similarly, Special Tribunals should not try offences which fall within the jurisdiction of regular courts".

Also for this reason, the Commission said it considered Malaolu's trial a contravention of the right to fair trial guaranteed under Article 7 of the African Charter.

It also held that the setting up of the tribunal for the trial of treason and other related offences is an infringement on the independence of the judiciary, since such offences are recognised in Nigeria as falling within the Jurisdiction of the regular courts.

The Commission contravened the basic contained in Principle 5 of on the Independence of Basic Principles) and African Charter. Basic Principles stipulates the right to be tried by the using established legal that do not use the duly the legal process shall not jurisdiction belonging to judicial tribunals."

“  
***The Commission ruled that the trial contravened the basic principle of fair hearing contained in Principle 5 of the UN Basic Principles on the Independence of the Judiciary (The UN Basic Principles) and Article 7 (1) (d) of the African Charter***  
“

ruled that the trial principle of fair hearing the UN Basic Principles the Judiciary (The UN Article 7 (1) (d) of the Principle 5 of the UN that: "Everyone shall have ordinary courts or tribunals procedures. Tribunals established procedures of be created to displace the the ordinary courts or

It also cited Article 14 of the ICCPR by the UN Human Rights Committee, which said: "The provisions of article 14 apply to all courts and tribunals within the scope of that article whether ordinary or specialised. The Committee notes the existence, in many countries, of military or special courts which try civilians. This could present serious problems as far as the equitable, impartial and independent administration of justice is concerned. . . While the Covenant does not prohibit such categories of courts, nevertheless the conditions which it lays down clearly indicate that trying of civilians by such courts should be very exceptional and take place under conditions which genuinely afford the full guarantees stipulated in Article 14."

In the Commission's view, it could not be said that the trial and conviction of Malaolu by a Special Military tribunal presided over by a serving military officer, who is also a member of the PRC, a body empowered to confirm the sentence, took place under conditions which genuinely afforded the full guarantees of fair hearing as provided for in Article 7 of the African Charter.

On MRA's allegation that Malaolu was being punished by Nigeria's Military Government over news stories published by his newspaper relating to an alleged coup plot involving Nigeria's then Second-in-Command, Lt. General Oladipo Diya,

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and other military officers and civilians, the Commission noted the Government's argument that Malaolu was tried along with a number of people accused of involvement in alleged plot to overthrow General Abacha and that the trial was not a case of victimisation against Malaolu or his profession as one or two other journalists were also sentenced to imprisonment at the same trial, was untrue.

It said considering the facts at its disposal and the response of the Government, it was of the view that it was only Malaolu's publication which led to his arrest, trial and conviction. It therefore ruled that for this reason, his arrest, trial and conviction violated of Article 9 of the African Charter as alleged.

MRA had also averred that while Malaolu was in detention, he was subjected to such cruel, inhuman or degrading treatment, as having his legs and hands chained to the floor day and night. And that from the day he was arrested and detained, until the day he was sentenced by the tribunal, a total period of 147 days, he was not allowed to take his bath, he was given food twice a day. While in detention, both in Lagos and Jos before he faced the Special Investigation Panel that preceded the trial at the Special Military Tribunal, he was kept in solitary confinement in a cell meant for criminals.

The Commission noted that Principle 1 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment provides that: "All persons under any form of detention or imprisonment shall be treated in a humane manner and with respect for the inherent dignity of the human person".

It also cited Principle 6, which states that: "No persons under any form of detention or imprisonment shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. No circumstance whatever may be invoked as a justification for torture or other cruel, inhuman or degrading treatment or punishment."

The Commission explained that the term 'cruel, inhuman or degrading treatment or punishment' is to be interpreted so as to extend to the widest possible protection against abuses, whether physical or mental.

It observed that the Government did not deny MRA's allegation, especially since the Government had stated clearly that it is not contesting the merits or demerits of the case.

The Commission said that in the absence of any information to the contrary from the Government, it was of the view that the various forms of treatments meted to Malaolu while in detention, violated his right to respect and dignity and right to freedom from inhuman or degrading treatment guaranteed under Article 5 of the African Charter and reinforced by the UN Basic Principles.

Although the Commission said it was not an issue, it however, noted that the violations took place during a prolonged military rule and that such regimes, as pointed out by the Government, are abnormal, especially in the light of the



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Commission's Resolution on the Military adopted at the 16th ordinary session in Banjul, The Gambia.

The Commission said it sympathised with the present Nigerian Government over this awkward situation but insisted that this did not in any way diminish the Government's obligations under the Charter, nor the violations committed prior to its coming into office.

The Commission said it found it necessary to clarify the position regarding the Government's claim that the trial was conducted under a law validly enacted by the competent authority at the time and that Malaolu was charged, tried, convicted and sentenced in accordance with the provisions of that law.

It recalled its decision in communication 147/95 and 149/96, Sir Dawda Jawara/ The Gambia, where it stated that "For a state to avail itself of this plea, it must show that such a law is consistent with its obligations under the Charter".

Saying that it was not enough for a state to plead the existence of a law and that it had to go further to show that such a law falls within the permissible restrictions under the Charter and, therefore, in conformity with its Charter obligation, the Commission noted that no such reasons have been adduced in this case. It, therefore, rejected the Government's argument.

The Commission ruled that the Nigerian Government had violated Articles 3(2), 5, 6,7(1)(a), (b), (c), (d) of the African Charter and Principle 5 of the UN Basic Principles on the Independence of the Judiciary.

It urged the Nigerian Government to bring its laws in conformity with the provisions of the African Charter.

As the year came to a close, President Obasanjo in several of his pronouncements and action, gave ample indications that there would be a tempestuous relationship between him and the Nigerian media and stakeholders in the industry in the months and years ahead. In September at an occasion President Obasanjo had quipped: "Those who believe what they read in the Nigerian press would often go wrong". "They call it press freedom", the President had said in obvious sarcasm, "but I think it is press anarchy".

Soon after, at the Nigerian Media Merit Award (NMMA) ceremony held in Lagos on December 3, 2000, the President, represented by his Minister of Information and National Orientation, Professor Jerry Gana, seized the opportunity to again poke at the media.

"They (the media) have continued to demonstrate lack of control and responsibility in some of their reports", the President said. His government, he said, was in the process of reviewing the Nigerian Press Council law "to curb the excess of the media".

Indeed, as the President spoke, a committee set up by the Government under the chairmanship of Mr. Taiwo Alimi, Director General of the Voice of Nigeria

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(VON), with the mandate to suggest recommendations for a possible review of the Nigeria Press Council Decree was almost completing its work. The draft of the recommendations, which was due for presentation to government in the new year, gave clear indications that the government would indeed attempt to muzzle the Nigerian media in the name of "curbing the excess" of the media in the months and years ahead.

None of the amendments proposed addressed the various thorny issues that media stakeholders have consistently argued against in the original Nigerian Press Council Decree No. 85 of 1992 or the Amendment Decree No. 60 of 1999. On the contrary, the proposals took a shape that further threatened the freedom of the press. The areas raising much concern relates to the appointment of the members and chair of the council, code of professional ethics, documentation of print titles and registration of journalists.

The Nigerian Press Council, was established by the Nigerian Press Council Decree No. 85 of 1992, promulgated by the Government of General Babangida to deal with complaints by members of the public against the conduct of journalists in their professional capacity. By an amendment to the Decree, three days before it left office, General Abubakar's Government vested in the Council, powers previously exercisable by the Newspapers Registration Board under the controversial Newspapers Decree No. 43 of 1993.

Although the Abubakar Government repealed Decree No. 43 of 1993 and publicized this fact, on the same day the Decree was repealed, it immediately and surreptitiously re-introduced the obnoxious provisions of the Decree into the amended press council decree, without announcing it.

By the Decree, known as the Nigerian Press Council (Amendment) Decree No. 60 of 1999, the new functions of the Nigerian Press Council include the powers to register journalists as well as to register newspapers and magazines annually. The Decree also provides for the imposition of heavy sanctions on the proprietors and publishers of newspapers and magazines which fail to register in accordance with the provisions of the Decree.

Like its forbear, the proposed amendments charged the Council with various responsibilities. For instance, Section 7 of the principal law, Decree No. 85 of 1992 stipulates that the Council "shall adopt the Code of Conduct of the Nigeria Union of Journalists to guide the Press and Journalists in the performance of their duties". The amendment to this section by Decree No. 60 now requires the NUJ to provide a binding "Code of Professional and Ethical Conduct" which shall be subject to the approval of the Council.

What this means is that the Council will no longer automatically adopt the existing Code of Conduct for journalists but only a Code of Professional and Ethical Conduct approved by it will be recognized.



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The proposed amendments by the Alimi-led committee further takes journalists back from the progress they have made in the past. The proposal in Section 7 (1) provides that: "The Nigerian press council shall provide a code of professional and ethical conduct to guide the press and journalists in the performance of their duties".

This proposed amendment technically rules out any role for journalists in drawing up the Code. The NUJ, being a duly registered independent association under the laws of the land, has the right to determine what the code guiding the conduct of its members should be. Provisions such as those contained in Section 7(1) constitute an affront on this right and those of its members who, in deciding to enlist themselves in the association, freely exercised their right to freedom of association expressly guaranteed them by Section 40 of the 1999 Constitution.

Similarly, the Alimi-committee also makes a case for the registration of newspapers, etc. which it euphemistically refers to as "documentation". In Section 26B (1) it provides that: "The Council shall document a newspaper, magazine or journal if it is satisfied that the requirements of section 26A of this Decree have been met".

In section 26B (2), it says: "This documentation shall be renewed every year".

These provisions are identical to those contained in the Newspapers Decree No. 43 of 1993, which was repealed by the Newspapers (Repeal) Decree No. 57 of 1999, made on May 26, 1999.

While there may well be nothing fundamentally wrong with keeping a register of the print media titles in circulation, the same cannot be said for seeking to have the titles so recorded, licenced and subjected to annual renewal of licences. The criteria for licence renewal being an adjudged credible performance by the news media, this is highly prone to politically motivated denial action. This is especially so for a press council whose independence is not secured or guaranteed, the government having taken over the responsibility of constituting the board and appointing several members and the chair. This is besides the numerous penal sanctions which defaulting media organisations face.

Perhaps the most insidious of the proposed amendments is Section 16 (1) which was carried over from the 1999 amendment. The section authorizes the Executive Secretary of the Council to maintain a register of accredited journalists. Under the principal Decree, the register of accredited journalists was to be submitted to the Council by the Nigeria Union of Journalists (NUJ). But, by the amendment to the Decree, the Council virtually takes over the registration of journalists as the register is now to be compiled by the Council, even though the Decree states that it will do so in collaboration with the NUJ and the Nigerian Guild of Editors (NGE). The Alimi-led committee has similarly adopted this position which has been one of the contentious issues regarding the NPC.

Based on the current position of international attitude on this issue, any registration

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requirement for journalists constitutes an infringement on their right to freedom of expression. This right is safe-guarded by several international conventions, laws and treaties on fundamental human rights including the International Covenant on Civil and Political Rights, Article 19 of the Universal Declaration of Human Rights, as well as Articles 8 and 9 the African Charter on Human and Peoples Rights.

This proposition is further corroborated by the report of UNESCO's International Commission on The Study of Communication Problems (1980) which states inter-alia that any hard and fast definition of the journalists essential for licensing, maybe dangerous for freedom of information. In this connection, it maintained that the adoption of any definition whatever, generally leads to the official licensing of journalists and such measures would make it impossible to lay down conditions of admission to the profession. A license which is issued could also be withdrawn and the possibility of losing their means of livelihood may thus prove a deterrent to investigative journalists who have an important role to play in disclosing abuses committed by the authorities.

Concluding, the report says: "Experience shows that the granting of professional licenses and all complicated accreditation procedures tend to foster government intervention in the national and international flow of news. (Most explicitly) we share the anxiety aroused by the prospect of licensing and consider that it contains dangers to freedom of information".

The decision of the Inter American Court of Human Rights in The Schmidt Case (Advisory Opinion OC-5/85, delivered on November 13, 1985) is also instructive. The Court held, on facts which are similar to present circumstances, that a Costa Rican law prescribing the licensing of journalists violated the right to freedom of expression.

On the argument that a law on the compulsory licensing of journalists does not differ from similar legislation applicable to other professions, the Inter-American Court on Human Rights held that there is no doubt that there is an essential difference between the practice of journalism and other professions like law and medicine in the sense that it is the only profession in which practice and discipline flow directly from the exercise of a basic right of human beings which is freedom of opinion and expression, expressly guaranteed under Article 13 of the Inter-American Convention on Human Rights.

The court also held that within this context, journalism is the primary and principal manifestation of freedom of expression and thought. For that reason, because it is linked with freedom of expression, which is an inherent right of each individual, journalism cannot be equated with a profession that is merely granting a service to the public through the application of some knowledge or training acquired in a university or through those that are enrolled in a certain professional group.

The Court also dismissed an argument that the objective of the compulsory

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licensing of journalists is to protect a paid occupation and was not directed at the exercise of freedom of expression, in so far as it does not involve remuneration. The Court held that the argument was based on the assumption that it was possible to distinguish freedom of expression from the professional practice of journalism, which in the court's opinion was impossible. It stated that the practice of professional journalism cannot be differentiated from freedom of expression, rather on the contrary both are obviously intertwined, for the professional journalist is not, nor can he be, anything but someone who had decided to exercise freedom of expression in a continuous, regular and paid manner. The court further noted that if the argument that the differentiation was possible, was to be valid, it could lead to the conclusion that the guarantees on freedom of expression contained in Article 13 were not applicable to professional journalists.

The court also stated that the argument on there being a distinction between the practice of professional journalism and freedom of expression also fails to take into account the fact that freedom of expression in so far as it includes the right to impart and also receive information, is two dimensional i.e. both individual and collective. A fact which clearly indicates that the circumstances whether or not a right is exercised as a paid profession is not a good enough reason to deprive society of possible sources of information. Therefore, the reasons of public order that maybe valid to justify compulsory licensing of other professions cannot be invoked in the case of journalism because they would have the effect of permanently depriving those who are not members, of the right to make full use of the right to freedom of expression which Article 13 grants to each individual and this would violate the basic principles of a democratic public order on which the convention itself is based.

The Court also rejected the argument that licensing is a way to guarantee society of objective and truthful information by means of codes of professional responsibility and ethics based on considerations of general welfare. The Court stated that it was a misunderstanding of the issues because, in truth, general welfare required the greatest possible amount of information and it is the full exercise of the right of expression that benefits general welfare. Thus, in principle, it would be a contradiction to invoke a restriction to freedom of expression as a means of guaranteeing it. Such an approach would ignore the primary and fundamental character of that right, which belongs to each and every individual as well as the public at large.

In its view, a system of control of the freedom of expression on behalf of a supposed guarantee of the correctness and truthfulness of the information that society receives can be the source of great abuse and in short violates the right to information that this same society has.

The court held, therefore, that the law on registration of journalists and the requirements for registration in so far as it limits access to the profession to a select few was a violation of not only the right of each individual to seek and impart

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information and ideas through any means of his choice, but also the right of the public at large to receive information without any interference.

The provisions of Article 13 of the American Convention on Human Rights which were being interpreted in this case in relation to the Costa Rican Law No. 4420 on licensing of journalists, are identical to Section 39 of the Nigerian 1999 Constitution dealing with freedom of expression.

In addition to the problems of government's failure to accord press freedom and freedom of expression a suitable breeding ground and address the numerous injustices meted out on Nigerian journalists during the year, the operational environment for media organisations during the year 2000, was most economically unviable and suffocating, leaving most of them in distress.

Numerous media organisations both in the broadcast and print sectors in Nigeria either folded up or perpetually defaulted in meeting their obligations to their staff with respect to payment of remuneration, sometimes for several months and in some cases, throughout the year. This problem was not peculiar to privately owned media houses but also affected the federal and state government-owned media.

In the past few years, several publications have gone under. These include *Financial Post*, *Evening Express*, *Lagos Life*, *AM News*, *Sunray*, *Guardian Express*, *The African Guardian*, *The African Concord*, *African Science Monitor*, *Banner*, *Classique* and *Quality*, to mention a few. *The Diet*, which folded up in June 1999, mercifully returned to the newsstands in the year 2000. The *New Nigerian* suspended printing in its Lagos office during the year while *Daily Times*, *THISDAY*, *Newswatch*, *Post Express* and several others constantly owed months of salary arrears.

The electronic media sector did not fare any better. Despite an initial commendable showing, Clapper Board Television went off the airwaves in 1999 for example. It could not survive the competition and the harsh economic climate of the industry in Nigeria.

For those that survived and made it into the year 2000, they were constantly confronted by one problem or the other and seem to be waiting just for the day their stars would dim. These include DAAR Communications Limited (DCL), Minaj Media Group (MMG), Degue Broadcasting Network (DBN), among others.

Obviously, the parlous state of the Nigerian economy was responsible for the general distress in the media. The distressed economy took a heavy toll on advertisement. Companies, organisations and individuals could not advertise heavily. Where they did, they owe the media houses huge sums for such adverts. Yet, it is the proceeds from advertisements that sustain the media.

This, however, does not absolve some of these media houses from mismanagement, failure to identify and set their priorities right, and stay focused.

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Besides delay and in most cases, default, in meeting salaries and other financial obligations, signs of distress in the media manifested in various other forms. There were instances of reduction in the pagination and print run, staff lay-off and irregularity of publication on the newsstands. Similarly, such distressed media organisation found it difficult to purchase necessary inputs.

The case of *Daily Times* and a few other publishing houses illustrated the depth of the problem. In a paper he delivered during the activities marking the 45th anniversary of the Lagos State Council of the NUJ, Dr. Onukaba Adinoyi-Ojo, the Managing Director of *Daily Times*, lamented that as at August 1999, when government appointed him to take charge of the management of *Daily Times*, "staff salaries were in arrears of over 12 months, which were themselves part of the total debt profile of over N500 million. The company was in addition seriously under-capitalised, its machines were obsolete and in various stages of disrepair, and its primary products suffered from declining readership and low advert revenue".

Staff morale was naturally low as a result of the unpaid salaries and the general credibility problem arising from DTN's uncritical support for some of the worst governments in the past.

Print-run was small and it depended largely on the availability of newsprint and other printing consumables. Out of this pitiable print-run, more than half were returned as unsold.

There were other media groups, especially the government-owned ones, which were in similar parlous state. The case of Edo State government-owned *The Nigerian Observer* newspaper is another testimony of the link between censorship, the credibility and survival (distress) of the news media. At the best of times, the newspaper was widely circulated, read and respected. But with the coming of military dictatorship and attendant censorship in the media, *The Nigerian Observer* lost all strands of credibility, respect and patronage. Its print-run nose-dived.

Even the new civilian administration in the state was unable to enhance the independence of the newspaper (*See Media Rights Monitor Vol. 4. No. 9 of September 1999*). Efforts by the government to revive the outfit did not turn out successful owing to the fact that in spite of its promise, the state government did not allow the new management a free hand.

*Sketch* newspapers, jointly owned by the governments of Oyo, Ogun, Osun, Ondo and Ekiti States was also distressed. The main reason for the distress was traced to the censorship imposed on it by successive military governments, which ruled the owner states of the newspaper. This led to loss of credibility and patronage. This was besides the problem of management ineptitude.

The problems of *The Nigerian Observer* and *Sketch* newspapers led to a high turnover of staff as salaries remained in arrears for over eight months in several instances. No less than 90 workers were sacked from the *Sketch* during the year

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2000 and a similar number in the case of *The Nigerian Observer*.

The experience of *New Nigerian* newspaper bore similar imprint. The *New Nigerian* newspaper was established in 1977 by the government of the then Northern Region. It was to counter the "negative" reportage of the South-Western press. It was not surprising that the paper's editorial bent was un-apologetically pro-North and successive governments have not made a success of obliterating that bias. If anything, every successive government has not only used this to its advantages, but has strengthened its capacity to operate within this framework in that direction. Though its fortunes continue to dwindle due to its narrow readership base, making it difficult for it to even pay salaries, the Federal Government has continued to subsidize it and use it as a government public relations outlet.

This, the newspaper has had to pay for in more ways than being stripped of credibility and readership. For instance, on October 26, 1999, court bailiffs impounded its properties following its inability to settle a N3m fine awarded against it in 1998 in a suit arising from a libelous publication against National Security Adviser, General Aliu Gusau. The management of the newspaper admitted that the story was "planted" by the late General Abacha's government. The company, which owes its staff, (mostly the Lagos-based) salary arrears of over a year, laid off hundreds of staff during the year 2000 and was unable to resume printing of its Southern edition in Lagos which it stopped on December 13, 1999.

In the broadcast sector of the Nigerian media, DAAR Communications Limited (DCL) and Minaj Media Group easily come to mind as the leading private broadcast organisations. They too, like all other broadcast media, had a myriad of problems to contend with during the year.

DCL, owners of African Independent Television (AIT), Raypower FM Radio 1 and 2, and AIT - International (Global Satellite Television), was for most part of the year engaged in a running battle with some of its creditor-banks over default in payment of about N850 million made up of N500 million loan it got in 1996 for expansion of its services and the accruing interest.

The management was also not able to meet its financial obligation to its staff for several months running and as the year came to a close, only Ray Power 11 FM made it to the airwaves after several months of absence. The television arm was yet to resume operations.

As a result of the financial problems, numerous workers resigned in search of greener pastures.

In Minaj Media Group (MMG), comprising of Minaj System Television (MST) the local television arm of the group, based at Obosi; Minaj Broadcast International (MBI) Africa; Minaj Broadcast International (MBI) Europe; Minaj Cable Network (MCN) based in Enugu and Minaj Printers, the workers for most part of the year did not receive their salaries. During the early part of the year, the workers were paid



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fifteen thousand naira (N15,000.00) across board to "mobilize" them to come to work. This money was paid in two instalments: Ten thousand naira (N10,000.00) in January and five thousand naira (N5,000.00) in February.

No less than 50 workers resigned their employment to seek greener pastures. The problem was largely as a result of insufficient revenue from commercials.

Osun State Broadcasting Corporation as a result of distress sacked 143 staff, including four directors, during the year. The government also merged the radio and television stations.

Channels Television reputed for its serious news content and reporting style, also had to do battle with the distress syndrome. Like others, it was faced with the twin problems of merger advertisement revenue in the face of a rapidly rising running cost and industry's competitiveness.

Several other electronic media only barely survived and made it to the airwaves.

While the distress syndrome that afflicted the Nigerian media during the year could be attributed to the problems of increased competition; lack of innovation; lack of diversification of revenue sources; the ownership structure; and the emergence of new information organs, such as the Internet, the single most important factor was the continued depression in the national economy which led to spiralling cost of production consumables.

For example, a reel of newsprint, which sold for N10,000 in 1991, sold for over N150,000 during the year 2000. Similarly, a pick-up van, which sold for about N100,000 in 1991, went for about N2.5million, in the year 2000. The same applied to all other inputs in the production of newspapers and broadcasting equipment. All these contributed immensely to the distress in the media.

The government-owned Newsprint Company in Oku-Oboku has remained comatose for years. During the year 2000, except for the reported plan by the governments of Akwa-Ibom and Cross Rivers states in conjunction with the federal government to inject N2 billion to revive the company, nothing else was forthcoming. There were no other efforts to ameliorate the hardship of the Nigerian media during the year.

The consequences of distress in the Nigerian media were indeed manifold and they impact adversely on the socio-political health of the nation. For example, apart from the loss of investment for owners of the distressed media organisation, the citizenry were denied the right to information due to some media organisations being unable to be regular on the newsstand or in the airwaves.

There was also the immediate impact on the well being of affected journalists and their dependants. Some journalists, faced with the hardship occasioned by distress had to sell their properties and depend on occasional hand-outs from friends to survive.

In addition, the media lost the service of numerous professionals, which often

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affected the final products of numerous media organisations.

Besides these problems, perhaps the most damaging consequence, which the problem of distress in the Nigerian media had on the practitioners, was the effect on ethics and professionalism, which suffered abuses by being all too often side-stepped by journalists. In several cases, some journalists faced with the burden of survival were hard put to resist the temptation to accept gratification that they are exposed to. The attendant consequences were that numerous journalists either outrightly misrepresented facts, closed their eyes to glaring cases of illegalities or rationalised them, all in a bid to favour the party they got money from.

Most media publishers who owed arrears could not to insist on ethical

Despite the difficult and the distress syndrome of the media industry the year, several print the newsstands. The that lucky as it recorded

By the figures made there were 158 broadcast year came to a close (*see*

In the print sector, no less than 14 new titles made their debut on the newsstand during the year 2000. Most of the new print titles were special interest publications ranging from economy, politics, health, entertainment to information technology.

*The People's Advocate*, a daily newspaper based in Ilorin in Kwara State, made it debut during the year. The newspaper is published by People's Voice Communications Limited owned by General Abdulkarim Adisa (rtd.) former Works and Housing Minister during the late General Sani Abacha's regime.

*National Interest* located in Ogba in Ikeja area of Lagos made its debut on the newsstands in September. The newspaper in a mission statement signed by its Editor, aspires to redirect focus to "those great ideals of journalism, especially truth, justice and fairness" It also promised to "strive to achieve excellence through innovative news reporting and balanced stories in which fairness will be an abiding principle."

On its board are Ide Eguabor, Managing Director; Okagbue Aduba, Tony Onyima, Editor Daily, Tony Iyare, Editor Sunday; Eric Osagie, Editor Saturday; Festus Eriye, Deputy Editor, amongst others.

*National Star*, a weekly news magazine made it to the newsstands during the

***the single most important factor (for the distress syndrome that afflicted the Nigerian media in year 2000) was the continued depression in the national economy which led to spiraling cost of production consumables***

managers, editors and several months salary summon the moral courage standards.

operational environment that afflicted it, the ranks continued to swell. During titles made their debut at broadcast sector was not no new entrant.

available by the NBC, stations in Nigeria as the *list on pages 30 to 32*).



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year. The publishers, Arrow Communications Limited, of the Lagos-based magazine in a statement said it came to "fill the vacuum created by the over or under-reporting of sensitive sectors of Nigeria's national life."

The maiden edition of the magazine was 52 pages and had as its editor-in-chief, Ms. Ifeoma Amobi.

*Now*, a weekly news magazine devoted to politics and the economy also hit the newsstand during the year. Nkem Agetua, who doubles as editor-in-chief, publishes the magazine. An essay in the maiden edition says the magazine's "mission is firmly rooted in humanity with a partiality to the Nigerian species".

*NewsAfrica*, a weekly news magazine also came on the newsstand during the year 2000. It is published by Moffat Ekoriko, who at the media presentation, said the magazine was committed to reporting Africa and Africans in Diaspora. The magazine hopes to focus on the politics, economies and socio-cultural values from a perspective of Africans and Africa.

Mfon Amana, managing director of Management Information Service, MIS, Lagos, is one of the directors of the magazine.

The 48-page magazine takes the standard size of both Nigerian and foreign newsmagazines, and is printed with the same light and glossy paper used in printing most Western newsmagazines like *Time* and *Newsweek*. Mercy Ette edits the magazine.

*Breaking News*, a weekly tabloid to "cater for and propagate the voice of the less privileged" came on the newsstand from Abuja. Mallam Mustapha Mohammed, who is also the Editor-in-Chief, publishes it.

The publisher promised it would reflect a balanced view of the geo-political zones of Nigeria. He said the magazine was "meant to educate people and also balance news content from different parts of the country and we are going to be fearless in our drive to inform the people of Nigeria".

*African Beatz*, an entertainment magazine, also made it debut to "spread the richness of African rhythm". The maiden edition was 44 pages and had an "up-to-date" information about local and foreign stars.

According to the publisher of the magazine, Biodun Caston-Dada, *African Beatz* is "classically planned and packaged," and poised to celebrate and promote African artists and culture. The magazine, he also said, is out to give the Nigerian artiste a reputable face among its peers around the world. The publisher believes that the Nigerian artiste has not been given much attention and this informed his decision to bring into the market a magazine solely meant to promote the Nigerian music industry.

For the business sector came *Smart*, a publication which focuses on people, business and trends in Nigeria. It is published by Doyin Iyiola, a former London correspondent of *African Concord* under the concern of CPA Nigeria Limited.

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According to the publisher, *Smart* is set up to proclaim "globally the dawn of a new economic era in the country and project her as a land of abundant opportunities."

Also for the business market is another magazine, *Market Today*. Published by the Polymonial Investments Limited, *Market Today* hopes to mirror the marketing sector of the economy periodically. It covers news on trading, management and law. Mr. Ifeanyi Odashi edits the magazine.

*International Envoy*, a new specialized magazine for the international community, also made its debut during the year. The publishers in a statement said the magazine was established for the purpose of promoting peace, understanding and progress among nations and peoples of the world; and for the prosperity of local or foreign investor.

*The Gadfly*, a quarterly general interest magazine with "the bias for soul-elevating philosophical issues", also made it to the newsstands. The publisher said the magazine has been moulded to "crack the hard nuts of societal ills, handle the puzzling and age-long human questions, as well as re-orientate the society in the approach to life issues".

The publisher and editor-in-chief, Chinyeaka Matt. Ibekwe is by training a philosopher and theologian. Other persons behind *The Gadfly* are Dr. M. U. Ogubunka; author, trainer and research consultant; Prof. Omoregbe (Unilag) author, Philosopher and Theologian; Mr. Eze Ebisike author, Management and Achievement Motivation Orientation Consultant, and three-time nominee of the 'American Marquis *Who's Who in the world* and the British IBC's Biographers of Outstanding People of the 20th century.'

*NOBLE People*, a people oriented newsmagazine published by Labamedia Communications in the United Kingdom made the newsstands during the year. The all glossy, full colour monthly magazine, according to Alaba Yusuf, its publisher, "is to highlight the problems of society and seek to celebrate good Samaritans amongst us."

*ICT Network* magazine, a monthly publication that focuses on the information and communications technology sectors of the economy made its entry to the newsstands during the third Biennial International Conference of African Broadcasters (AFRICAST) at Abuja. The magazine is published by Lagos-based Mediaknights, an integrated marketing communications outfit.

According to Mediaknights Public Relations Officer, Dolapo Adesida, the magazine will provide news and information, promote issues, development and activities, spotlight major developments as well as create greater awareness for the unique features of the industry in Nigeria, Africa and the rest of the world". She said the choice of AFRICAST as debut date is borne out of the acknowledgement of the importance of broadcasting to the development of the ICT sector.

*PC World Nigeria*, an Information Technology (IT) magazine was released

## General Environment

into the market during the year by MICROBYTE International Nigeria Limited, a consulting, training and publishing company.

It was impossible to determine the precise number of print media and titles in Nigeria at the close of the year. But a rather conservative estimate would put the figure at over 100 print titles.

In the case of allied matters relating to the promotion of freedom of expression, the government still fell far below appreciable level of acceleration. For example, beyond mere rhetoric, telecommunication, which worldwide has become acceptable as a freedom of expression issue, did not receive any noticeable improvement during the year.

The Minister of Communications, Alhaji Mohammed Arzika, announced on March 31 in Abuja

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F e d e r a l  
towards providing  
within the next five  
2000.  
The minister  
lines would be  
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*In the case of allied  
matters ...the government  
still fell far below  
appreciable level of  
acceleration... beyond  
mere rhetoric,  
telecommunication,  
which worldwide has  
become acceptable as a  
freedom of expression  
issue, did not receive any  
noticeable improvement*  
”

at a ceremony to mark the  
Commonwealth Day that the  
Government was working  
nine million telephone lines  
years, including the year

said five out of the nine million  
fixed while the rest would be  
expressed the optimism that  
would enable the country,  
about 700,000 lines, to boost  
density from the present 0.06  
population to a figure close to  
minimum required by the  
Telecommunications Union.

The minister  
reduction in the installation cost of telephone to N15,000.00.

The minister's promise of nine million more phone lines, seen as part of the deregulation process, which started with the promulgation of a new national policy on telecommunications in 1999, was to soon meet with reversal. Barely five months later, on August 14, in Ogbomosho, Oyo State during a working tour of NITEL facilities in the state, Alhaji Arzika, confessed that the government could not meet the demands of Nigerians for telephone lines.

The minister revealed that demands for phone lines shot up after the reduction in the installation cost and confessed that poor planning by his ministry made nonsense of the installation cost reduction by government.

Even while confessing his ministry's inadequacies and inability to deliver as promised, he still nevertheless announced that his ministry had concluded plans to make rural telephone services a reality, promising that this would take off in all the

## **General Environment**

774 Local Government Headquarters in the country at the end of August.

As at the year-end, the project had yet to begin. All these underscore the abject lack of a definable agenda by the government during the year 2000 to fulfil the basic right of the freedom of expression of the Nigerian people through the instrument of telecommunications.

## General Environment

### Television Stations In Nigeria

<b>Nigerian Television Authority</b>	<b>State owned station</b>	<b>Privately owned Stations</b>
NTA Sokoto	AKBC TV, UYO	AIT, Lagos
NTA, Awka	AATV, Yola	Channels TV, Lagos
NTA, Aba	BATV, Bauchi	DBN TV, Lagos
NTA, Uyo	BCA, 57 Abia	Galaxy TV, Ibadan
NTA, Yola	BCOS 28, Ibadan	MITV, Lagos
NTA 10, Lagos	BRTV, Maiduguri	Minaj TV, Lagos
NTA 12, Abeokuta	CRTV, Calabar	DITV, Kaduna
NTA 2 Channel 5, Lagos	KBC, Kano	MST, Obosi
NTA 5 & 7, Ibadan	Delta TV	ITV, Benin
NTA 7, Lagos	ETV, Enugu	
NTA 8, Enugu	BSE, Ado-Ekiti	
NTA Abuja	EBS 55, Benin	
NTA Akure	GMTV, Gombe	
NTA Bauchi	IBC TV, Owerri	
NTA Calabar	NBS, Nassarawa	
NTA Jalingo	Katsina State TV	
NTA Jigawa	Kebbi TV	
NTA Jos	Kwara TV	
NTA Kaduna	LTV, Lagos	
NTA Kano	OGBC, TV, Abeokuta	
NTA Lokoja	OSBC, Osogbo	
NTA Maiduguri	OSRC 23, Akure	
NTA Makurdi	PRTV, Jos	
NTA Minna	RSTV, Port Harcourt	
NTA Port Harcourt	TTV, Taraba	
NTA, Ilorin	Yobe TV, Damaturu	
NTA, Owerri	ABSTV, Awka	
NTA Katsina	ADTV, Yola	
NTA Kebbi	KSTV, Kano	
NTA Benin	BSBC, Yenogua	
NTA Yobe		
NTA Zamfara		
<b>TOTAL: 32</b>	<b>TOTAL: 30</b>	<b>TOTAL: 9</b>



## General Environment

### Radio Stations in Nigeria

#### Federal Government-owned

Radio Nig. 1, Ibadan  
Radio Nig. 1, Lagos  
Radio Nig. 2, Ibadan  
Radio Nig. 2, Lagos  
Radio Nig. 3, Lagos  
Radio Nig. Abuja  
Radio Nig. Enugu  
Radio Nig. Kaduna  
Aso FM, Abuja  
Voice of Nigeria

#### State Government owned

ABC 1, Yola  
ABC 2, Yola (FM)  
ABS, Onitsha (AM)  
ABS, Akwa  
AKBC, Radio, Uyo  
BCAS, Umuahia  
BCOS 1, Ibadan  
BCOS 2, Ibadan  
Benue Radio, Makurdi  
Borno Radio, Maiduguri  
BRC, Bauchi  
Cross River Radio 2, Calabar  
DBS FM, Asaba  
EBS (A.M), Benin  
EBS (FM), Benin  
Eko FM, Lagos  
ESBS 1, Enugu  
FM 93.5, Lafia  
FM 94, Lokoja  
FM 96.1, Enugu  
FM 96.1, Kaduna  
EBSR FM 98.1, Abakaliki  
FM, Abia  
FM, Bauchi  
FM, Jos  
FM, Kano  
FM, Maiduguri  
BCNS FM, Minna  
Gombe Radio, Gombe  
IBC, Owerri  
KBC, Kano  
KSBC, Katsina  
OGBC 1, Abeokuta  
OGBC 2, Abeokuta  
OSRC, Akure  
Osun Radio (OSBC), Osogbo  
PRTV Radio, Jos  
Radio Abuja (FM)  
Radio Delta, Warri  
Radio FM, Makurdi  
JBC, Dutse  
Radio Kaduna (KSMC)  
Radio Kwara, Ilorin  
Radio Lagos  
Radio Rivers 1, PH  
Radio Rivers 2, P.H  
Radio Zamfara  
Radio, Kebbi

#### Privately owned

Cool FM, Lagos  
Minaj FM, Obosi  
Ray Power, Lagos  
Ray Power 11, Lagos  
Rhythm 93.7, Lagos  
Independent Radio, Benin  
Jeremy Radio –Warri  
Star FM, Lagos

## General Environment

Federal Government-owned

State Government owned

Privately owned

Rima FM, Sokoto  
TSBS, Jalingo  
Voice of Ekiti, Ado-Ekiti  
YBC, Damaturu

**TOTAL: 10**

**TOTAL: 52**

**TOTAL: 8**

## Global Satellite Television

AIT, Lagos  
Minaj Cable Network (MCM), Obosi  
Comet Associates Limited, Lagos  
Disc Broadcasting Services, Lagos  
Transmit Network Limited, Lagos  
Entertainment Television Limited, Lagos  
Here and There Cable Television, Ibadan  
Delta Telecommunications & Electronics, Ilorin  
Worldlink Network Limited, Effurun  
Modern Communications, Aba  
Communication Trends Nig. Cable and Satellite, Port-Harcourt  
West Midlands Communication, Ibadan  
Bauchi Satellite/Cable Limited., Bauchi  
IBW Cable Satellite, Communications, Benin  
Hash-Tronics Satellite Communications, Kano  
ABG Communications Limited, Kaduna  
Details Nigeria Limited, Lagos

**TOTAL: 17**

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CROSSROADS

da Year 2000 Annu

## **State of the Nigerian Media Laws**

**I**n the 15 years of military rule preceding the recent enthronement of democratic rule in Nigeria, the promulgation of obnoxious decrees was one of the main tools used by the successive governments to control the media.

Although a democratically elected government has been installed in Nigeria since May 29, 1999, the media during the year 2000, still operated under virtually the same legal framework, which existed during the years of military rule and it was thus subjected to nearly the same legal disabilities of the military rule period.



## Legal Environment

During the course of the year, the government did not show any concrete act of good will to the media especially with respect to the amendment or repeal of the numerous obnoxious media laws, which exist in the statute books. Besides not initiating any move in this direction, the government did not align itself with, and support efforts by private bodies which took advantage of the new democratic environment to initiate media law reform bills and processes. The closest the government came to acknowledging the need for media law reform were the various pronouncements by the Information Minister, Professor Jerry Gana, and former Senate President, Dr. Chuba Okadigbo, that the government was thinking in that direction.

Indeed, the need for a comprehensive programme of legal and institutional media reform is dictated by two primary considerations. The first consideration is the fact that the laws, which affect the media, are scattered across the statute books in a manner that defies logical analysis. In fact, some of these laws either duplicate each other or overlap. In some instances, the laws contradict each other.

The second reason is that the laws affecting the media in Nigeria, both at common law and under statutes, fall far below international standards for the protection of the media in many respects.

There were two classes of laws which survived till the year and remained potential threats to a conducive media practice during the year. One class of laws were directed primarily at the media and the other class were those, though not directly aimed at the media, but which because of their sweeping nature, posed a threat to media practice during the year 2000. These classes include:

1. Offensive Publications (Proscription) Decree No. 35 of 1993
2. The Defamatory And Offences Publications Act No. 44 of 1966
3. Newspapers (Prohibition of Circulation) Act No. 17 of 1967
4. Printing Press (Regulation) Act Of 1958
5. Newspaper Act Cap. 291 Laws Of The Federation Of Nigeria, 1990
6. The Official Secrets Act of 1962 Cap 335, Laws of the Federation of Nigeria 1990 and Section 97 of the Criminal Code
7. Section 58 of the Criminal Code Act; Cap 77 Laws of The Federation 1990
8. Section 59 Of The Criminal Code; Cap 77 Laws Of The Federation 1990
9. Section 60 Of The Criminal Code; Cap 77 Laws Of The Federation 1990
10. Sections 373 - 381 Of the Criminal Code Cap 77 Laws Of The Federation, 1990
11. The National Media Council (Repeal) Decree No. 58 of 1999.
12. The Nigerian Press Council Decree No. 85 of 1992 And The Nigerian Press Council (Amendment) Decree No. 60 of 1999.

In addition to these are numerous state legislation on publication of false statements in newspapers.

## Legal Environment

Although many of these laws were not put to use during the course of the year, some state governments, unwilling to accommodate constructive criticisms, made moves to use some of the obnoxious laws to overtly censure the media and frighten journalists. These include the use of sedition and libel laws.

Another media law issue that received much attention during the course of the year was the NPC decree, which numerous individuals and groups showed tremendous interest in. The attention came in the form of continuing legal actions to prevent the government from implementing the decree as amended by the Decree No. 60 of 1999.

Decree No. 60 of 1999 seeks to pass into the Nigeria Press Council (NPC), some obnoxious provisions and re-inforce some others.

Section 2(3) of the Nigerian Press Council Decree No. 85 of 1992 granted the powers to appoint members of the council to the Minister of Information. Section 2(1)(a) of the Nigerian Press Council (Amendment) Decree No. 60 of 1999 further re-inforced the Information Minister's powers of appointment by increasing the number of members of the public which the Minister may, in exercise of his powers, appoint to the council.

Considering the vital role the Press Council is supposed to play in the conduct of affairs of the industry and the duty of upholding the responsibility and accountability of the Nigerian government to the entire citizenry constitutionally imposed on the Nigerian media by Section 22 of the 1999 Constitution, it is apparent that vesting such powers on the hands of the Minister of Information could be exploited by the government to appoint its stooges into the Council, thereby turning it into a manipulative tool in the hands of the executive arm of government.

Another very worrisome provision in the amended NPC legislation is Section 7(3), which provides that the Press Council shall, after due consideration, approve the Code of Professional Ethical Conduct by the Nigeria Union of Journalists and ensure compliance. This represents a radical departure from the provision of Section 7(1) of the principal NPC decree which simply requires the press council to adopt the Code of Conduct of the NUJ to guide journalists and the press in carrying out their duties.

Also worthy of note are the provisions of Sections 16, 17 and 19 of the principal NPC legislation and sections 11, 12, 13 and 14 of the amended NPC Decree No. 60, all dealing with the licensing/registration of journalists and the requisite punishment for violating the provisions.

Based on the provision of Section 39 (1) of the Nigerian constitution and the current position of international law on this point, any registration requirement for journalists constitutes an infringement on their right to freedom of expression. This right is safe-guarded by several international conventions, laws and treaties on fundamental human rights such as Article 19 of the International Covenant on

## Legal Environment

Civil and Political Rights, Article 19 of the Universal Declaration of Human Rights, Articles 8 and 9 the African Charter on Human and Peoples Rights etc.

Afraid of the dire consequences the media would suffer in the event that government began to implement the provisions of the decree, the Newspapers Proprietors Association of Nigeria (NPAN) made overtures to the government to iron out the areas of divergent views. Media Rights Agenda also wrote to the government to complain about the provisions of the Decree. But the government remained intransigent and unwilling to dialogue while making plans to begin the implementation. This obvious readiness to implement the decree led to NPAN and Media Rights Agenda to commence separate legal battles in 1999 to ensure that the government did not implement the decree with its frightening and obnoxious provisions.

After one year of not defending the suits, the Federal Government through its lawyers asked the Federal High Court in Lagos to merge the two suits instituted against it by MRA and NPAN.

The Government claimed, in a motion to consolidate the suits, that "the interest of justice" demanded a merger of the two suits as they are based on the same questions of law and fact.

The applicants in the first suit, filed under the Fundamental Rights (Enforcement Procedure) Rules of 1979, in July 1999, are the Incorporated Trustees of MRA and Mr. Osaro Odemwingie, the organization's Publications Officer. Named as Respondents are the Minister of Justice and the Attorney General of the Federation, the Clerk of the National Assembly, and the Executive Secretary of the Nigerian Press Council.

In the second suit, brought by Originating Summons in November also in 1999, Mallam Ismaila Isa, publisher of the *Democrat* newspaper and President of NPAN; Mr. Sam Amuka, publisher of the *Vanguard* newspaper; Mr. Ray Ekpu, the Chief Executive Officer of *Newswatch* magazine and General Secretary of NPAN; Mr. Ajibola Ogunshola, publisher of *The Punch* newspaper; Mr. Nduka Obaigbena, publisher and editor-in-chief of *THISDAY* newspaper; and Mr. Lade Bonuola, Managing Director of *The Comet* newspaper; sued for themselves and on behalf of other members of NPAN. Named as defendants are the President, the Attorney General, the Minister of Information, and the National Assembly.

In its suit, MRA is asking the court to declare the Nigerian Press Council (Amendment) Decree No. 60 of 1999 unconstitutional, null and void and to restrain the Government from implementing it.

It is contending that the decree, promulgated by the government of General Abubakar on May 26, 1999, violates the right to freedom of expression guaranteed by Section 39 of the 1999 Constitution and Article 9 of the African Charter on Human and Peoples' Rights.

Specifically, MRA is seeking; a declaration that Decree No. 60 of 1999,

## Legal Environment

particularly Sections 26B (1) and (2), 26D (1) and (2), 26 F (1) and (2), and 26 G [(1) (a-b) and (2)], are unconstitutional, null and void as they violate their fundamental rights as guaranteed by Section 39 of the 1999 Constitution and Article 9 of the African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act Cap. 10, Laws of the Federation of Nigeria 1990;

A declaration that the Decree, particularly Sections 26B (1) and (2), 26D (1) and (2), 26 F (1) and (2), and 26 G [(1) (a-b) and (2)], are inconsistent with the provisions of Section 39 of the 1999 Constitution and is therefore null and void by virtue of its inconsistency; and an order of perpetual injunction restraining the respondents, or their agents and servants, from giving effect to the provisions of the Decree, particularly Sections 26B (1) and (2), 26D (1) and (2), 26 F (1) and (2), and 26 G [(1) (a-b) and (2)].

Stating the grounds for the suit, MRA observed that the Decree derogates from its fundamental rights to freedom of expression in a manner not permitted by Section 39 (1) and (2) of the 1999 Constitution and Article 9 of the African Charter and imposes restrictions on the enjoyment of this right, contrary to the provisions of Section 39 (1) and (2) of the Constitution.

It noted the stipulation in Section 1(3) of the 1999 Constitution that the Constitution is superior over any other law and shall prevail in the event of any inconsistency, while that other law shall, to the extent of the inconsistency, be void. In addition, it said, Section 315(3) of the Constitution preserves the powers of a court of law to declare unconstitutional, null and void provisions of any existing law, which is inconsistent with any provision of the Constitution.

In a 27-point affidavit in support of the motion, deposed to by Mr. Odemwingie, MRA noted that the Decree was an attempt to re-introduce the obnoxious provisions of the Newspapers Decree No. 43 of 1993, now repealed by Newspaper (Repeal) Decree No. 57 of 1999, particularly as Decree 60 authorizes the Nigerian Press Council, a governmental body, to register newspapers, magazines and journals and stipulates that such registration shall be renewable every year.

It argued that the discretion whether or not to register a newspaper, magazine or journal under the Decree, which lies with the Nigerian Press Council, posed a great danger to the constitutionally guaranteed rights of the organization to own, establish and operate any medium for the dissemination of information, ideas and opinions as well as its rights to receive and impart ideas and information without interference.

MRA also complained that the Decree introduced a range of penal and pecuniary sanctions which are designed to undermine the independence of the news media generally and in particular, owners and publishers of newspapers, magazines and journals, such as the *Media Rights Monitor*, a journal published by MRA, and subject them to the control of an executive body.

## Legal Environment

The NPAN suit, filed by Mr. Tayo Oyetibo, is asking the Court to determine whether, having regard to the provisions of Section 4(2)(4)(a) and (b) of the 1999 Constitution, the power of the National Assembly to make laws for the peace, order and good government of Nigeria is not limited to matters included in the Exclusive Legislative List set out in Part 1 of the Second Schedule to the Constitution; matters included in the Concurrent Legislative List set out in the same Schedule to the extent prescribed in the second column opposite it; and other matters with respect to which it is expressly empowered by the Constitution to make laws.

It is also seeking a Nigerian Press Council and the Nigerian Press Decree No. 60 of 1999, legislate on "the press" Section 4(2)(4) (a) and so far as "the press" is not the legislative National Assembly.

The NPAN is A declaration that the matters with respect Assembly is empowered contained in Section 4 (2), Constitution;

A declaration that in of 1992 and Decree No. 60 of 1999 purport to legislate on "the press", the Decrees are inconsistent with Section 4 (2), (4) (a) and (b) of the 1999 Constitution and therefore are unconstitutional, null and void;

A perpetual injunction restraining the National Assembly from treating or continuing to treat Decree No. 85 of 1992 and Decree No. 60 of 1999 as existing laws deemed to be Acts of the National Assembly; and

A perpetual injunction restraining the President, the Federal Attorney-General and the Minister of Information, whether by themselves, their servants, agents, or representatives, from implementing or otherwise giving effect in any manner whatsoever to the provisions of Decree No. 85 of 1992 and Decree No. 60 of 1999.

Alternatively, the NPAN wants:

A declaration that Sections 1, 2, 3 (a) (b) (c) (d) (e), 14 (2), 15 (1) (2) (3) (4), 26, 26A, (1) (2) and (3) 26(B) (1) and (2) 26C, 26D (1) (2) 26E, 26F (1) (2), 26G (1) (2) of Decree No. 85 of 1992 as amended by Decree No. 60 of 1999 are inconsistent with Section 39(1) and (2) of the 1999 Constitution and, therefore, are unconstitutional, null and void; and;

“  
***The NPAN is seeking a perpetual injunction restraining the National Assembly from treating or continuing to treat Decree No. 85 of 1992 and Decree No. 60 of 1999 as existing laws deemed to be Acts of the National Assembly...***  
”

determination whether the Decree No. 85 of 1992 Council (Amendment) both of which purport to are not inconsistent with (b) of the Constitution in one of the matters within competence of the

therefore seeking: "the Press" is not one of to which the National to make laws as (4) (a) and (b) of the 1999

so far as Decree No. 85

## Media Laws Reform Efforts

A perpetual injunction restraining the President, the Federal Attorney-General and the Minister of Information, whether by themselves, their servants, agents or representatives, from implementing or otherwise giving effect in any manner whatsoever to the provisions or any part of the provisions.

By a motion filed on its behalf by D. O. B. Badejogbin of the Federal Ministry of Justice, the Federal Government requested the court to make an order consolidating NPAN's suit with MRA's suit.

In a seven-paragraph affidavit deposed to on its behalf by Mr. Sunday Aigbokhan, a Litigation Officer at the Federal Ministry of Justice, in support of the motion, the Government claimed that the action in NPAN's suit was seeking reliefs which are the same as MRA's suit and that both suits are on the same question of law and fact as well as rights to the reliefs claimed.

It said that it was in the interest of justice that the two suits be consolidated, arguing that the interests of the NPAN and MRA would not be jeopardized in any manner.

As at year end, the court was yet to rule on the suits.

Indeed, as the year came to an end, the review committee set up by the federal government to harmonise the grey areas in the NPC decree submitted its report to government the outcome of which was not substantially different from the existing legal framework. The committee not only left most of the contentious provisions of the NPC decrees intact, but further strengthened some.

## Media Laws Reform Efforts

**G**iven the above scenario on the state of the Nigerian media law, several efforts were initiated during the year by several stakeholder groups to begin a process of reform of Nigerian media laws. One of such efforts aimed at reforming media laws was the initiative by Media Rights Agenda (MRA).

The organisation in efforts aimed at harmonizing the numerous media laws in the statute books and bringing them into conformity with international standards for the protection of media freedom and freedom of expression, organised a series of meetings of media practitioners and other stakeholders in the industry to commence a broad base process in this direction.

In October, representatives of various sectors of the media industry, meeting with non-media practitioner stakeholders at two technical workshops held in Abuja, discussed the text of two draft media Bills and agreed on a framework for achieving reform in both the print and electronic media.

Participants at the workshop were drawn from relevant organisations in the society. These include the Broadcasting Organization of Nigeria (BON) Federal

## **Media Laws Reform Efforts**

Ministry of Information and National Orientation, private and state-owned radio and television stations, the legal profession, media organizations and associations, local and international human rights non-governmental organizations, the Nigerian Law Reform Commission, the United Nations Educational, Scientific and Cultural Organization (UNESCO), and the National Assembly.

The objectives of the exercise, according to Media Rights Agenda include:

- \* To assess the current legal and institutional framework for the operation, control and regulation of the media in Nigeria and agree on areas in need of reform in accordance with international standards for the protection of media freedom.
- \* To raise the profile of the issue of the reform of media law in Nigeria within the present democratic dispensation as well as broaden the constituency for such reform by sensitizing relevant sectors of Nigerian civil society, public functionaries and institutions about the inadequacies of the institutional and legal framework which presently governs the media.
- \* To agree on the text of draft media laws, in accordance with minimum standards for the protection of media freedom, which seeks to harmonize in one document all laws affecting the media and which will form the basis of a programme of legislative advocacy for reform of media laws in Nigeria. The effort is expected to harmonize media laws in a single document to make them more easily accessible and more coherent.

The process looks set to crystallize into fruition in the months and years ahead.



## **Too Many Cooks Spoil The Broth**

**T**he Nigerian media environment is a storehouse of contradictions. First, there is an avalanche of media regulatory laws, which in their various provisions inhibit a smooth running of media organisations and hinder journalism practices in several respects. Besides these, there is a wide disparity between the intent of a law and the outcome of its implementation. The human factor in the Nigerian public life has assumed a monstrous dimension that often more apprehension is entertained



## **Institutional Environment: Too Many Cooks Spoil The Broth**

in consideration of the implementation of a law or government policy than the letter and intent of the law or policy itself.

The year 2000 was no exception. Besides the problems of the lack of a level playing field for the Nigerian media to operate in terms of legal framework, and the need, therefore, to reform media laws and bring them in conformity to international standards, another matter of significant consequence to the operation of the media during the year 2000 was the issue of the institutional environment under which the media operated. While numerous media laws in their provisions had significant chilling effects on the smooth operation of media activities during the year 2000, the institutional framework for the implementation of a number of media laws which ordinarily do not pose significant constraint to media operation, remained highly flawed and posed huge impediments to free media practice.

For instance, government during the year through acts of commission, routinely flouted the relevant Acts setting up several of its media organisations and media regulatory agencies. These include the Acts setting up the Nigerian Communication Commission (NCC), Nigerian Television Authority (NTA), Voice of Nigeria (VON), News Agency of Nigeria (NAN), National Broadcasting Commission (NBC) and the Federal Radio Corporation of Nigeria (FRCN).

Specifically, contrary to the various Acts setting up the agencies, the various government-owned media organisations and regulatory agencies were run by Directors-General without input of properly constituted governing boards as provided for in their enabling legislation.

Their enabling legislation required that boards of directors should be constituted for each of the government media organisations or media regulatory agencies. The Acts provide that such boards should consist of a convergence of certain persons, who are collectively vested with corporate personality by law.

The Nigerian Television Authority Act, Cap. 321, Laws of the Federation of Nigeria 1990, for example established the NTA. Section 2(1) of the Act provides for the appointment by the National Council of Ministers, on the recommendation of the Minister of Information, of members of the governing board of the Authority consisting of a Chairman, the Chairman of each of the Zonal Boards of the Authority, a Director-General, one representative of the Federal Ministry of Information, one representative of women's organizations in Nigeria, and six persons with requisite experience in the mass media, education, management, financial matters, engineering, and arts and culture.

The Federal Radio Corporation of Nigeria Act, Cap. 140, Laws of the Federation of Nigeria 1990, established the FRCN. Section 2(1) of the Act provides for the appointment by the Minister of Information, with the prior approval of the National Council of Ministers, of members of the governing body of the Corporation consisting of a Chairman, a Director-General, one representative of the Federal Ministry of

## **Institutional Environment: Too Many Cooks Spoil The Broth**

Information, one representative of the Ministry of External Affairs, one person to represent women's interests in Nigeria, and six persons with requisite experience in the mass media, education, management, financial matters, engineering, and arts and culture.

The Voice of Nigeria Corporation Decree No. 15 of 1991 established VON. Section 2 of the Decree provides for the appointment by the President and Commander-in-Chief of the Armed Forces, on the recommendation of the Minister of Information, of members of the Corporation consisting of a Chairman, a Director-General, one representative of the Federal Ministry of Information, one representative of the Ministry of External Affairs, one person to represent interest not otherwise represented on the Corporation, one person with requisite knowledge in Nigerian art and culture and three persons with requisite experience in the mass media, financial matters, and engineering.

NAN was established by the News Agency of Nigeria Act, Cap. 290, Laws of the Federation of Nigeria 1990. Section 3(1) of the Act, as amended by Section 3 of the News Agency of Nigeria (Amendment) Decree No. 87 of 1992, vests the management and responsibility for carrying out the objects of the Agency in a Board of Directors consisting of a Chairman, a Managing Director, one person to represent the Federal Ministry of Information and Culture, one person to represent the Broadcasting Organizations of Nigeria; one person who shall be a member of the private sector media organization to represent subscribers to the Agency; and head of the following departments of the Agency: Editorial, Technical, and Finance and Administration.

Responsibility for the appointment of the Chairman of the Board of Directors and the Managing Director for the Agency is vested in the President, on the recommendation of the Minister of Information by Sections 3(a) and 4(a)(2) of Decree No. 87 of 1992.

The National Broadcasting Commission is established by the National Broadcasting Commission Decree No. 38 of 1992. Section 3(1) of Decree No. 38 of 1992 as amended by Section 3 of Decree No. 55 of 1999 provides for the Commission to be made up of the following members: a Chairman, a Director-General, and 10 other members to represent the following interests: law, business, culture, education, social science, broadcasting, public affairs, engineering, State Security Service, and the Federal Ministry of Information and Culture.

Section 3(3) of the principal Decree vests in the President and Commander-in-Chief of the Armed Forces the powers to appoint the Chairman and other members of the Commission on the recommendation of the Minister of Information.

With regard to the NCC, the Nigerian Communication Commission Decree No. 75 of 1992 established the Commission. Section 3(1) of the Decree, as amended by Decree No. 30 of 1998, provides for members of the Commission, to be appointed

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by the President and Commander-in-Chief of the Armed Forces, on the recommendations of the Minister of Communications.

The decrees also outline the membership of the Commission to include a chairman, an executive vice chairman, and eight other full-time or part-time Commissioners with requisite experience in any one or more of the following fields: commerce, consumer affairs, financial matters, industry, law, management, public administration, technology, and telecommunications engineering.

Despite these clear provisions in the enabling Acts, the Nigerian government in 1999 appointed Managing Directors and Directors General for its media organisations and media regulatory bodies without appointing the boards of directors. Such a situation, whereby each of these organisations was being run by a Director-General or Managing Director appointed by the President in the absence of a duly constituted board as provided for by law, violated the mandatory provisions of the laws which established each of them, and also undermined their independence and outlook.

The non-existence of these boards was a sign of unfavourable effects in their management, which translated into self-serving policies. For example, Ben Murry-Bruce, during a visit to Balyesa State told journalists that he was going to ensure the state got the first new television station being his state of origin. This was clearly in disregard of the consideration of whether the state merited having a station first. To him, he was simply a sole administrator and his word was law.

Similarly, in several instances, DGs of government media organisations and media regulatory agencies represented the Minister of Information at events. These thus created the impression that they were under the supervision of the minister.

Such disregard for laid down procedure compelled MRA to institute against the Federal Government suits seeking to compel it to comply with the relevant provisions in the acts setting up the organisations by constituting the boards.

MRA went to court after it had exhausted every avenue to get the government to comply with the statutory provisions setting up the organisations and agencies.

MRA had in five separate letters dated January 18, 19, 20 and 21, 2000, addressed to President Obasanjo and copied the then Information Minister, Chief Dapo Sarumi, Justice Minister, then Chief Kanu Agabi; and Minister for Communications, Alhaji Mohammed Arzika, urged the President to take urgent steps to constitute the Governing Boards of the agencies concerned.

MRA similarly wrote to the chief executives of the organisations concerned informing them of its moves to compel the Federal Government to obey the relevant laws setting up the organisations by constituting without delay, the boards of directors.

By a motion filed at the federal High court, MRA sought an order of the Court to compel the federal government to, forthwith, constitute the boards of the affected organisations.

The Applicants in the suit were the incorporated trustees of Media Rights

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Agenda; Tive Denedo, the organisations Director of Campaigns; Adeola Ademola, the organisation's Legal Officer and Osaro Odemwingie, MRA's Publications Officer.

The respondents were the President, the Minister of Information and the Attorney General of the Federation.

Even while the Federal Government was yet to file its response to the suit, the Directors General of VON and FRCN, in separate letters to MRA said they could not understand the concern of MRA on the federal government's apparent flouting of relevant laws. They, therefore, advised MRA to preserve its energies and resources for "more worthy" causes.

Despite these letters, in separate proceedings, the Federal High Court in Abuja in May granted MRA leave in five of the suits to apply for mandatory orders to compel the Government to constitute the governing boards of the NBC and the media establishments.

Two judges of the Federal High Court, Justice Chukwura Nnamani and Justice M. A. Edet granted MRA's applications for leave to apply for an order of mandamus to compel President Obasanjo and other relevant Government officials to constitute the governing bodies of the organizations in accordance with the laws establishing them.

While the suits were making their slow but steady progress in court, Alhaji Arzika, minister of Communications announced on March 27 in Abuja the Federal Government constitution of a nine-man board of directors for the NCC, which is under his ministry. The board has as its chairman Alhaji Ahmed Joda. Other members of the board are Mr. Emmanuel Ogba, Alhaji Umaru Mutallab, Mr. Isaiah Mohammed and Mr. Shola Taylor.

Others are Mrs. Adejaji, Chief Patrick Sunday Kentebe, Mr. Augustine Otiji, Mr. Tunde Oyeyipo and Mr. Ernest Ndukwe.

Announcing the constitution of the board at a press conference, Alhaji Arzika expressed the hope that the NCC board would instill confidence in potential local and foreign investors in the industry, a clear admission that the absence of the board all along had been a major cause of investors' disinterest in the sector since the deregulation exercise of the sector.

However, as the year coasted to a close, the Federal Government finally succumbed to pressure to constitute the boards of its parastatals. On November 10, 2000, it announced the constitution of the boards of 137 parastatals including those of government-owned electronic media and media regulatory agencies.

Besides the numerous problems which arose and clearly affected a smooth media practice during the year as a result of the non-composition of board of directors for media regulatory agencies and government-owned media organisations, there were other institutional problems which hindered the smooth practice of the media. For example, in February, the testy relationship between the Nigeria Television

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Authority (NTA) and independent broadcasters operating in Nigeria and the obvious helplessness of the National Broadcasting Commission to exercise authority over the NTA came again to the fore. The occasion was the 22nd African Cup of Nations' football competition co-hosted by Ghana and Nigeria, and tagged Ghana/Nigeria 2000.

The problem centred around the claim of exclusive right to broadcast and the battleground was the Federal High Court of Lagos where the NTA sought a pound of flesh from Murhi International Television (MITV). NTA said it had an exclusive right, which MITV infringed on.

The problem was precipitated by MITV's transmission on January 23, 2000, of a match between Nigeria and Tunisia. NTA subsequently obtained a court injunction restraining MITV from further transmitting the match and subsequent ones. In addition, it got an order to seal off the stations premises. While NTA succeeded in stopping the station from further transmitting the matches, it initially agreed to an out of court settlement regarding sealing off the station. But the inability of the two stations to reach an out of court settlement led to a continuation of the case in the court.

## CHAPTER FIVE

### THE STATE OF MEDIA PRACTICE

#### Logs in Our Eyes

**T**he media as an institution, is worldwide, traditionally assigned the role of an ombudsman on the government on behalf on the people and the conveyor of the people's feelings, thoughts and aspirations to those in government. But a changing world has seen an increasingly pro-active media. Beyond just serving as a conveyor of the peoples' wishes and monitoring the activities of officers of government, the media has become active in prescribing a course of action for government and

## The State of Media Practice: Logs in Our Eyes

the society. This gave rise to the concept of "Advocacy Journalism". The Nigerian media has similarly not been insulated from this worldwide trend.

It was no wonder that the Nigerian media actively participated, indeed, led the struggle by the Nigerian people to see to and end of the military in governance and the enthronement of democracy.

Similarly, Nigeria recently witnessed a boom in media organizations, both print and broadcast. Science and technology have also had a profound impact in the process of information gathering, processing and dissemination. The volume of information processed or disseminated in Nigeria has become overwhelming, requiring an aggressive method of attracting the attention of readers or listeners. The public, however, limited by time and resources, has to select information and this in turn implies more competition for the news media.

Despite these challenges, the media is still expected to stick to the four cardinals of successful media practice. These include knowing how to gather information, knowing how to process information, knowing how to package information, and knowing how to tailor information to meet the expectations of readers.

But all too often, several Nigerian news media titles, in an attempt to short-cut the communication process of gathering, processing and disseminating information in the quest for easy money and follow in the new trend of advocacy journalism, broke the rule and attracted public odium for the entire media during the year 2000.

After its valiant battle to rid the country of military dictatorship, the Nigerian media for much of the year 2000, was plagued in a crisis of corruption and unethical practices that threatened the foundation of the very democratic government it fought so hard to enthrone. More than ever in its over 100-year of chequered history, alleged unethical conduct by Nigerian journalists and media groups aroused concern locally and internationally, with beat associations posing a constant source of concern in the battle to ensure greater professionalism in the media.

Years back, criticisms against the Nigerian media centred mainly on what was then commonly called "brown envelope" syndrome. This refers to the phenomenon of giving gratification, usually a few hundred naira, to journalists for "transportation" by persons who have had contacts with them; either seeking to get media mention or suppress harmful information. The phenomenon got the name "brown envelope" because of the usual practice of having such monies put in brown envelopes, which are not transparent and do not reveal the content or value of the "gift".

Recent events in Nigeria's national life have made it imperative for the Nigerian media to be exceptionally tactful. But such expectations remained largely unfulfilled during the year 2000. The transfer of power to a democratically elected civilian government in 1999 did not result in lessening of the burden citizens' face during the course of the year. Much of the politicking in Nigeria was conducted on the basis of ethnicity and regional grouping, and the democratic dispensation appeared to have



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fuelled this scenario.

Against the backdrop of government's inability to develop a coherent response to the challenges posed by these problems, the only institution well placed to moderate and broker peace between the various warring factions is the media. But the media on its part failed to come to terms with these national and historic responsibilities. Sadly, political debates and alignments in the media also tended to reflect such divisive considerations and, therefore, the media was unable to act as a unifying force. The media was also weighed down by societal problems and thus exposed itself to charges of partisanship and lack of adherence to the sacred code of objectivity.

G o v e r n m e n t to accuse the media of sensationalism and coverage of different that such coverage

In addition to this, conflicts plaguing Nigeria alleging that media regional, ethnic or also accused the media and issues in their early were instigated by groups media establishments

turn around to inflame passion by their sensational and incendiary reporting at the critical stages of the conflict, for commercial gains.

Researches conducted by Media Rights Agenda in the year 2000, showed besides these, numerous other unethical practices by Nigerian journalists and sundry ways by which they perpetrate these acts. These unethical practices include over simplification, exaggeration and outright sensationalism, suppression or outright distortion of facts, political partisanship and bias, ethnicism and religious insensitivity.

The motivation for the rapid increase in the resort to unethical practices was usually financial consideration either for the individual journalists or media organisation, or in some cases, both the individual journalist and media organization he/she works for. In other instances, it was an appeasement of often narrow and parochial interest. All of these went a long way in affecting the facts fed the public by the media and which in turn lowered the media's credibility.

The proliferation of beat associations such as Sports Writers Association of Nigeria (SWAN) League of Airport Correspondents, Maritime Reporters Association and National Association of Political Correspondents (NAPOC) also had a backlash on ethics and professionalism.

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***Sadly, political debates and alignments in the media also tended to reflect such divisive considerations and, therefore, the media was unable to act as a unifying force***  
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officials and citizens started engaging in undue exaggeration in their political opinions and alleged to be inflammatory. parties to the various accused the media of bias, coverage is based on religious affiliations. They of down-playing conflicts stages, especially when they to which journalists and had some sympathy, only to



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These associations, in several instances, operated like cartels. They were used to pressure members of the public to render financial assistance and failure to do this usually met with being blacklisted. Sometimes, these associations gave bogus awards to "deserving" members of the public for usually "exceptional" services.

In some cases, some journalists and media organisations took on a crusade against individuals or organisations for alleged wrongdoing. In many of such cases, such individuals or organisations, fearing the consequences to their image of a blistering media attack were compelled to "negotiate" peace. For individuals, prices were usually in form of physical cash and placement of advertisement slots in cases of organisations, or some other means. An example is the spate

of attacks by a cross section of the media on Governor Orji Kalu of Abia State over alleged falsification of certificates and other criminal activities, as well as on several public office holders. Ironically, some of these media organisations defended obvious cases of similar activities by some other public office holders.

Other ways in which journalists indulged in unethical practices include conflict of interest and getting involved in the political matters. In addition, numerous journalists, on the basis of friendship, ethnic and religious affinity, relationship or in deference to those in position of authority, routinely set aside

their professional judgment in the performance of journalistic functions.

Similarly, despite the fact that journalism practice has over the years become more than just being a passive observer of unfolding events, numerous Nigerian journalists instead of reporting events became events themselves.

Numerous news reports in Nigerian media during the year did not pass the elementary rule of fairness. All parties to an issue were often not given the benefit of responding to charges laid against them. Journalists often became more political than politicians did.

Many Nigerian journalists do not have knowledge of even basic elementary history and facts about the various peoples, places and issues in Nigeria. Yet, they routinely wrote on them with tough human emotion of prejudice.

Regarding charges of unbridled sensationalism in the Nigerian media, research by Media Rights Agenda showed that there was a heightened phenomenon by numerous Nigerian media to go to the extreme in an attempt to out-do competitors and attract the attention of the readers and listeners.

Some ways by which they perpetrate these include the use of headlines. Headlines are traditionally catchy, short and concise summaries of stories and are meant to attract attention. While some newspapers adopted a somewhat conservative approach to casting headlines, others took the art to a ludicrous and mostly alarmist level to achieve commercial gains. Often, these alarming headlines did not only contradict the content of the stories, they were presented in very bold prints that attracted attention even from several meters away.

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An aspect of the Nigerian media coverage, which generated a lot of controversy in the recent past including the year 2000, is the use of photographs. Taking note of the crucial importance of pictures in journalism, the International Organization of Journalists (IOJ) in its 1981 publication, *Text-Book of Press Photography*, noted that: "Pictorial communication supplements the verbal news by making it more graphic and thus enabling readers to form a more precise picture of an event. Photography has one very important feature in fulfilling this task; it records reality with unsurpassed precision, or as it is often said, with documentary faithfulness".

The extent to which graphic photographs can assist readers "form a more precise picture of an event" was driven home by media reports which attributed the attacks on Yorubas by Hausas in the northern city of Kano, following the riots between Yoruba Traditionalists and the Hausas in Shagamu in Ogun State in mid-July 1999, to graphic media photographs of the violence wrought on Hausas by Yorubas during the earlier riots. The retaliatory attack was attributed to the gory, blood-chilling pictorial presentation of dead victims from Sagamu riot in newspapers especially with initial reports indicating that the Hausas were the main victims of the Shagamu riot.

Similarly, following media reports of the Kaduna riot over the sharia issue, where the Igbos were believed to have been the main victims, the Igbos in the Eastern Nigeria launched reprisals against Hausas in the area. This was also attributed to the alarming casualty rates and gory pictures of victims published by some newspapers and broadcast media.

In the year 2000, the situation remained the same. Several news media liberally splashed photographs of dead bodies and burnt properties of riot scene without care of the possible consequence arising from the sentiment they could provoke. This was more common with the afternoon tabloids and soft-sell magazines, which routinely gave the impression that the nation was at war.

David S. Border, a reporter for the *Washington Post*, in his book: *Behind the Front Page*, christened as 'consumer fraud' the practice whereby news media sensationally cast headlines and manipulate photograph to attract buyers.

Besides these were the use to which numerous media organisations applied editorial comments. Editorial comments are an integral part of any serious newspaper. It normally represents the official position of the newspaper. When such a newspaper enjoys the respect of a significant or strategic segment of a society, its editorial goes a long way in influencing the views and position of its readers. In a conflict situation, such influence can be brought to bear in moderating the views and temperament of citizens; especially those involved in the conflict. Numerous Nigerian media organisations routinely used this sacred weapon to propagate issues that were not in national interest.

Although it is not possible to catalogue all the flaws of the Nigerian press during

## **The State of Media Practice: Logs in Our Eyes**

the course of the year 2000, and the public's increasing dissatisfaction with the performance of journalists was not limited to the shores of Nigeria, research by Media Rights Agenda showed, however, that Nigerian journalists and media organisations steeped deeper into the corruption mud during the year 2000 for a number of reasons. These include poor remuneration, which the research showed accounted for an aggregate of 40 per cent of the problem. Respondents described the wages and salary levels of numerous media organisations as “criminally low” and did not guarantee the material and moral security of his work and did not correspond to his social condition as to ensure his economic independence.

Respondents in the survey also rated societal influence and greed of the average Nigerian journalist second in the hierarchy of factors they identified as the root causes of the problem. Each got a rating of 20 per cent.

Other causes of the problem identified by respondents were the general economic problem, poor training and low self-esteem.

Most media organisations routinely employ freelance and trainee journalists, most of whom are not placed on salaries but given responsibilities much beyond their capacities. Besides failing to adequately meet these responsibilities, these journalists routinely and openly solicit financial aid from members of the public and the result was a gale of unprofessional reports.

The situation further underscored the imperative need for, and importance of a professional code of conduct to regulate media conduct, that must be enforced by a credible body. The importance of ethics is underscored by the fact that all journalists and other professional associations worldwide have ethical standards that guide and regulate their members' professional activities. Also, numerous media organizations have in-house ethical standards prescribed for their journalists. A 1983 survey of 902 news organisations in the United States of America found that three quarters of them had written policies guiding reports on accepting free lunch and gifts.

In Nigeria, the situation is the same. Apart from the Nigeria Union of Journalists' (NUJ) Code of Conduct, numerous media organisations also have in-house codes that they make available to journalists upon employment. The belief is that the journalist who has a concern for ethics obviously cares about good or right actions which encourage an attitude of imbibing operational norms as a guiding principle and tempering freedom with responsibilities which bolsters his credibility.

Despite these codes and the noble intents, incidents of corruption and unethical practices were still rampant in the Nigerian media. Media Rights Agenda in its research discovered that these vices thrive in the Nigerian media because the culture of ethics in Nigeria journalism is a culture, which is never heeded by those who preach it. Many senior editors eagerly secured lucrative media consultancy contracts with government officials, wealthy individuals and organisations, and some were alleged to have gone to negotiate sale of stories filed by reporters that were not

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favourable to the persons and groups concerned.

The research also showed that there were also no official instruments with which to enforce adherence to ethical values in Nigerian journalism and where such existed, the pedigree of the persons vested with such authority was often not a subject of concern.

Similarly, the research showed that Nigerian journalists in interpreting and embracing the new trend of advocacy journalism, liberally interpreted this beyond applying the elementary code of neutrality and fairness. They became more political than the dramatis

Also, most rise beyond the minimal of the society, and were maintain a vantage authority in a quest to accrue from their be wrong for the in power, the Nigerian the dangers a wholesome exposed him/her to and the stop-point.

Further, many have basic qualifications profession as a stopgap

endeavours. Thus professional journalists were a sprinkle among the lot. Whereas, the degree of commitment to ethical standard is also influenced by the level of professionalism of the journalist. For professional journalists, journalism is more than a business; it is a vocation or a life-long calling.

It is important for the media to begin to work towards building effective communications links between the ethnic communities, to establish mutual confidence and mitigate conflicts. Depending on how the media reports issues, it can serve to fuel ethnic and religious tensions and create distrust among different political, ethnic and religious groups. On the other hand, the media can help to reduce political, ethnic and religious tensions if it works towards building a common vision for the country and tries to find a way to communicate with the whole population. But during the year 2000 the Nigerian media unconsciously made the choice to exacerbate political, ethnic and religious tensions afflicting Nigeria through reports lacking objectivity.

Although the concept of journalistic objectivity is debatable in that it presupposes, in the opinion of some commentators, a "mirror" value-free reportage for the journalists, yet unfolding events and circumstances placed on the media the need to

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*...there were also no official instruments with which to enforce adherence to ethical values in Nigerian journalism and where such existed, the pedigree of the persons vested with such authority was often not a subject of concern*  
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personae.  
journalists were unable to undercurrent and frailties only too enthusiastic to position with people in share in the spoils that exploits. While it may not journalist to befriend those journalist failed to estimate embrace of those in power thus appropriately identify

Nigerian journalists did not and many more were in the measure to other

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do more than just report, but interpret unfolding events and advocate a direction. But many Nigerian journalists obviously found this elbowroom as an excuse to jettison objectivity and fairness, leading to instances of tendentious partisan distortion of facts.

Coming on the heels of the consolidation of the democratic governance, which Nigeria secured in mid 1999, the situation might have been a tacit support of the school of thought that corruption and political bias in media news presentation are more acute during democratic governance than what obtains during (military) dictatorship. Proponents of this view posit that given the nature of democratic governments, where ultimate power resides with the people, political office holders would usually take more than a passing interest in public perception of their performance. For this reason, they would usually seek to curry the favour of journalists and media organisations. Military regimes, on the other hand, owing no allegiance to the people and, therefore, not mindful of public perception, do not see the need to curry the media and seek journalists' favour.

In spite of this academic debate, about subjectivity and objectivity in the media, which is at the heart of ethics, the importance of ethics is not in doubt. According to Alhaji Alade Odunewu, a veteran journalist and chairman of the Nigerian Press Council (NPC), "ethics is about credibility. It is about balancing and being objective in reporting. To do otherwise is to break faith with readers whose right is to know the truth at all times". Taken on this premise, the Nigerian media treated with less than appropriate appreciation the faith reposed on it by the Nigerian public during the year 2000.

However, the problem of the slide in ethical conduct and professionalism by the Nigerian journalist did not go unnoticed by practitioners of the profession and other stakeholders. Several media stakeholder groups and organisations, worried by the free fall ethics and professionalism in the media were experiencing and the dire consequences it could result into, took the initiative to organise several forums to seek a way out of the abase.

One such forum was organised by Media-For-Democracy (MFD) group. It held at the Conference Center, University of Ibadan, Oyo State, from July 26 to 28. Another was a one-day workshop tagged: "Media Encounter 2000" held in Abuja on August 14.

The MFD is coalition of some NGO's committed to the promotion of press freedom and freedom of expression in Nigeria. The groups include Media Rights Agenda (MRA), Journalists for Democratic Right (JODER), Independent Journalism Centre (IJC) and International Press Centre (IPC).

Participants at the "Media Encounter 2000" workshop particularly noted that media coverage of conflicts in Nigeria has been "inadequate, unbalanced and should be more professional."

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The MFD seminar drew participants from a broad spectrum of the media and media associations, the civil society, the Human Rights Community, Public Relations and Mass Communication Institutions. It also had in audience an international participant who is a member of the National Union of Journalists, Britain and Ireland representing the International Federation of Journalists (IFJ).

The seminar deliberated extensively on modern trends in ethics and self-regulation and the functions journalism/mass communication schools, journalist associations/unions, media proprietors, editors, reporters, media NGOs and the public should perform in “ promoting professional standards.

In a communique MFD workshop theme: Ethics and working Agenda For Media, participants unethetical practices and the media. Participants be made on the Nigerian to secure its effectiveness, and popularise the Code of journalists.

*However, the problem of the slide in ethical conduct and professionalism by the Nigerian journalist did not go unnoticed by practitioners of the profession and other stakeholders who .. took the initiative to organise several forums to seek a way out of the abase*

issued at the end of the organised under the Regulation: Formulating A Journalists And The deplored the increasing dent on professionalism in called for modifications to Press Council (NPC) Act independence and emphasised the need to Conduct for Nigerian

Specifically, participants took note of the corrupting influences of beat associations and called on these associations "not to constitute themselves into cartels".

## CHAPTER SIX

### PENDING MATTERS

## The Mountains Still To Climb

### The Game of Secrecy

**N**igeria stands at the threshold of history. After 40 years of political independence, and despite being blessed with abundant human and mineral resources, the country still grapples with the problem of want in the midst of plenty. There is a pervasive culture of mismanagement in its public sector, and



## Pending Matters: The Game of Secrecy

public utilities, where they exist, do not function. The country's political history is replete with proven tales of fraud and sundry anomalies. Its social and religious lives are no less disturbingly turbulent.

To a large extent, the responsibility for this state of affairs can be traced to the successive military governments that have ruled the country, reputed to be Africa's most populous with a population of over 120 million people. By the last count, Nigeria has been ruled for over 30 out of its 40 years of political independence by seven military regimes that forcibly seized power while the civilians have ruled for only 10 years.

Despite the often-which successive military cloth their reasons for the power, their pretended when citizens' inquisition into for disregard for openness Accountability similarly

It is widely essential feature of good element of accountability. providing detailed explanations on the actions to citizens. Similarly, an accountability is openness,

granting an unrestricted access to citizens about the activities of government officials. A large dose of both quotients enables citizens to effectively cross-check assertions by government officials and correlate planning activities; encourage rational policy choices; improve government decisions and enhance the political process.

All of these ingredients have been lacking in the Nigerian public sector over which the military has presided for the most part. The advent of the democratic government of President Obasanjo on May 29, 1999, the fourth attempt at an enduring democratic system of governance gave birth to another hope of a civilised conduct of the affairs of the Nigerian government and the realisation of the dividends of democracy.

But a democracy's health and longevity depend upon public trust and confidence and this is nourished by open access to information. A government is responsible to individuals and communities, which in turn have a right to know what the government, is doing on its behalf.

In the absence of these two essentials and mutually correlated elements of openness and accountability in the running of the affairs of a government, the result has been secrecy under the facade of a nebulous National Security. Government

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*The need for the enactment of a FOI law in Nigeria is largely dictated by ...the Legal and Institutional problems of access to information which have engendered a culture of secrecy in the country's national life and under which scores of government officials hide to perpetrate sundry illegalities*  
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nationalistic flavour with rules have attempted to forceful seizure of altruism soon gives way their natural penchant becomes incessant. suffers.

acknowledged that an governance is the This is the act of information and of government officials essential feature of which is the act of



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officials often hide under cover of National Security to perpetrate fraud and sundry illegalities.

In most developing countries, secrecy in governance has attained the status of official state policy. The result is the endemic and alarming rate of corruption and general lack of transparency in the conduct of government affairs in the countries.

The need for openness and accountability in Nigeria's public life cannot be over stressed. While a vigorous call and campaign for the enactment of a law to invest on citizens this right might not have been considered urgent before now, recent events in Nigeria's national life which bother on mindless fraudulent practices by public officials has made it imperative and urgent.

The need for the enactment of a freedom of information law in Nigeria is largely dictated by two factors. These are the Legal and Institutional problems of access to information which have engendered a culture of secrecy in the country's national life and under which scores of government officials hide to perpetrate sundry illegalities.

### 1. Legal Problems of Access to Information - Official Secret Act etc.

In Nigeria, a veil of secrecy surrounds the conduct of government affairs. Officers of government do not only routinely deny citizens, whom they supposedly serve, explanations for actions undertaken on their behalf, they also block citizens' access to even the most mundane of publicly held information. The result has been an effective disablement of persons and institutions interested in helping to inject accountability and transparency into the governance process of the country with the attendant consequence of the mind boggling fraud and general corruption in the public sector.

Corruption in Nigeria has attained such an epidemic proportion that Transparency International (TI), in its Corruption Perception Index (1995-1997), rated Nigeria as the most corrupt nation in the world. The period also witnessed the worst form of dictatorship by late Head of State, General Abacha. The following year, 1998, after the death of General Abacha, Nigeria improved in TI's ranking, dropping to the third position.

Interestingly, while Nigeria maintained the unenviable position of the most corrupt nation in the world in the rating of TI, its despotic military government under the strong grip of General Abacha, was equally earning the inglorious tag as one of the worst enemies of the press and freedom of expression by the Committee to Protect Journalists (CPJ). General Abacha attained the number one position as the worst enemy of the press in 1998 before he died in office having made the list of the worst ten enemies of the press for four consecutive years. Since his death, Nigeria's relating in TI corruption index has improved and the Nigerian government has dropped

## Pending Matters: Legal Problems of Access to Information

out of the list of the club of enemy of the press in CPJ's listing.

The rating of Nigeria as the most corrupt nation By TI and concurrent naming of General Abacha as number one enemy of the press by CPJ, proved, among others, one interesting fact: There indeed exists a strong correlation between the level of openness and transparency in government and the level of repression by the government.

To confirm that a transfer of power to a civilian democratic government does not simply imply openness and transparency without these being deliberately encouraged and secured, Transparency International again in year 2000 rated Nigeria as the most corrupt country in the world. According to it, despite President Obasanjo's assurances since assuming office that anti-corruption would form a major plank of his government and the valiant efforts being made to promote large-scale changes in the country, noticeable changes were yet to occur in the perception of the world's business and political landscape. This fact was arrived at as a result of numerous surveys conducted by at least 16 independent and credible organisations.

Among these organisations are Freedom House Nations in Transit, the Economic Intelligence Unit (EIU), the Institute for management Development (IMD) in Lausanne, the International Crime Victim Survey (ICVS) and Political Risk Services (PRS). Others are Political and Economic Risk Consultancy (PERC) in Hong Kong, the World Bank and European Bank for Reconstruction and Development (WB) and the World Economic Forum (WEF). In addition, the survey spans three years (1998-2000), which Transparency international considers more accurate and realistic, and polled over 75,000 people in 60 countries.

To perpetrate the regime of secrecy in the conduct of government affairs, successive Nigerian governments have erected a plethora of legal and administrative bottlenecks meant to achieve denial of access to public information. Even governments that make pretensions about being democratic in orientation, routinely exhibit unprogressive tendencies.

For example, numerous legislation have very specific secrecy clauses, which forbid the disclosure of information, usually under very broad "public interest" claims. Even the courts of law are, in many cases, precluded from compelling the disclosure of such information.

Instances of such secrecy clauses are contained in legislative provisions such as Section 168 of the Evidence Act; Section 2 of the Federal Commissions (Privileges and Immunities) Act, Cap 130, LFN, 1990; Section 10(2) of the Public Complaints Commission Act; Section 12(2) of the Architects (Registration, etc.) Act; and Section 13 of the Statistics Act, Cap 416, LFN, 1990.

Besides, certain categories of government officials are obliged upon employment to subscribe to an oath of secrecy under which they undertake not to disclose any information which comes to them in the course of the performance of their duties

## Pending Matters: Legal Problems of Access to Information

unless specifically authorised to do so. For instance, in accepting an offer of employment in a Nigerian Government department or agency, the employee is required to subscribe to the following declaration:

*"I..., do solemnly and sincerely promise that I will not directly or indirectly reveal except to a person to whom it is in the interest of the government to communicate any article, nor document or information which has been or shall be entrusted to me in confidence by any person holden office under the Majesty's government or the Nigerian Government of which I may obtain in the course of the work which I perform and I will, further, during the continuance of this work exercise due care and diligence to prevent the knowledge of any such article, note, or information being communicated by any person against the interest of the government. I realize that failure on my part to keep these promises render me liable to imprisonment under the official secret ordinance, 1942 and that the obligation of secrecy imposed upon me by that ordinance will continue after I have left the Government service"*

Unwittingly, such oath creates a world of cultism for civil servants and has engendered a culture of secrecy in government institutions. This has resulted in a situation where civil servants and other public officers are unwilling to disclose even the most innocuous information to citizens and journalists, grant press interviews or give their views and opinions on public issues unless specifically authorised to do so by a very senior government official. They also insulate governments and their actions from public scrutiny.

The Official Secrets Act, referred to above and which successive governments have continued to retain since colonial periods, provides in Section 1(1) of the Act, amongst other things, that:

- "...a person who -
- (a) transmits any classified matter to a person to whom he is not authorised on behalf of the government to transmit it, or
- (b) obtains, reproduces or retains any classified matter which he is not authorised on behalf of the government to obtain, reproduce or retain, as the case may be, shall be guilty of an offence."

“  
***Unwittingly, such oath creates a world of cultism for civil servants and has engendered a culture of secrecy in government institutions. This has resulted in a situation where civil servants and other public officers are unwilling to disclose even the most innocuous information...***”

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Any person who commits an offence under this provision is liable on conviction, or indictment, to imprisonment for a term not exceeding 14 years, and on summary conviction, to imprisonment for a term not exceeding two years or a fine of an amount not exceeding N200 or to both such imprisonment and fine.

Routinely, government documents are marked "classified", "(top) secret" or "confidential". Members of the public have virtually no access to such documents except those voluntarily released by usually senior government officials or issued as press statements.

Besides, the scope and matters which fall under the "classified", "(top) secret" or "confidential" category, are neither delineated nor defined. This leaves an octopus of a dragnet on the path of any official who may wish to act in public interest by supplying public information in his domain.

The morbid fear, which this all-embracing threat leaves, has added to making the civil servant to be most unwilling to assist seekers of public information. The public cannot access even information as harmless as the number of staff in a government agency.

Besides the fact that the government has taken no legal obligation to disclose information to members of the public, it has, in fact, also arrogated to itself the legal authority to punish any one who is able to obtain such information for himself through the Official Secret Act.

This is clearly not in tandem with Section 39(1) of the 1999 Constitution of the Federal Republic of Nigeria, which gives rights to citizens to receive and impart ideas and information without interference.

Besides the legal hazards posed by the Official Secrets Act to anyone seeking to access information and records in the custody of the government, some sections of the Criminal Code also erect further impediments in the way of anyone seeking information from unofficial sources in the services of any government. The Criminal Code makes it a penal offence for any public or civil servant to give out official information.

Section 97(1) of the law provides that: "Any person who being employed in the public service, publishes or communicates any fact which comes to his knowledge by virtue of his office and which it is his duty to keep secret, or any document which comes to his possession by virtue of his office and which it is his duty to keep secret, except to some person to whom he is bound to publish or communicate it, is guilty of a misdemeanour, and is liable to imprisonment for two years."

The fact of the evident disablement of citizens from inquisition into and participation in the governance process of Nigeria by these sundry legal structure, and in the light of the attendant consequences of this culture of secrecy, among which are mind boggling fraud and corruption, have made the need for citizens' access to government information imperative. This imperative need is also

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internationally recognised as essential both in promoting transparency and accountability in governance and in encouraging the full participation of citizens in the democratic process.

### **2. Institutional Problems of Access to Information - Clearance of galleries by Houses of Assemblies, Access to House proceedings etc.**

**B**esides these legal hurdles created by government to achieve denial of access to government held information and perpetrate secrecy in the conduct of government affairs, there are as well administrative bottlenecks which government officials routinely create to further perpetrate denial of access to public records and ensure the prevalence of secrecy in government. For example, with an excuse of lack of terms and conditions for granting public access to declarations made to it by public office holders, the Code of Conduct Bureau denied Media Rights Agenda access to information regarding assets and liabilities declared by public office holders in the present government.

This is in spite of the fact that the Bureau acknowledges the constitutional guarantee given under Paragraph 3 of Part One of the Third Schedule of the 1999 Constitution to members of the public who may be interested in such information, to access it.

The Civil Liberties Organisation (CLO) reported in its publication titled: *Behind the Wall*, (August 1996) based on prison conditions in Nigeria and the prison system, that its efforts to ascertain the reason for the failure of the National Prisons Reform Commission (NPRC) to implement its mandate of prison reforms, met with brick wall from official quarters. The result has been that the attempt by the CLO to ensure adherence to, and execution of, a government policy decision has been effectively disabled.

Similarly, despite the vanguard role played by the Nigerian media in the struggle for the actualization of democracy in the country and the constitutional duty of the journalist to hold government accountable to its responsibilities on behalf of the citizens, another worrisome form of perpetrating secrecy in the conduct of government activities that gained much prominence during the year was the denial of journalists access to information. Related to this is the common practice of summoning of journalists by government officials over news reports and comments on national issues. Various legislative Houses across the country including the National Assembly mostly perpetrated these acts of censorship. There were no less than 16 incidents of this form of perpetration of secrecy during the year 1999, and 12 instances during the course of the year 2000.

For example Jigawa State Governor, Alhaji Ibrahim Saminu Turaki, in January

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2000 invited journalists from Lagos State for a press briefing, leaving out their counterparts based in the state.

The state-based journalists, who were billed to cover the governor's budget presentation and a special press briefing together with the invited Lagos journalists, were only allowed to cover the budget presentation. They were, however, left out of the press briefing, which took place in the governor's house.

The correspondents waited for over three hours at the government house only to realise that the governor had briefed their Lagos counterparts in his residence.

There was no official reason as to why the governor decided to brief only the Lagos journalists. Reports, however, said that the sidelining of the state-based journalists by the governor was to prevent the correspondents who are more informed of the local issues and problems besetting the state from asking critical questions.

Journalists covering the National Assembly were on February 8, barred from the venue of the ministerial budget defence. Though no reasons were given for the action, it was believed that the lawmakers did not want the defence budget proposal for the fiscal year 2000 made public. Four ministers appeared before various committees to defend their ministries' budget proposals from which journalists were hindered from covering.

In the same month, several members of the Benue State House of Assembly led by its Deputy Speaker, Alhaji Sule Audu, tried vainly to sponsor a motion that would bar journalists from covering proceedings of the Assembly. The House members also wanted a ban on members granting journalists interview.

On April 19, overzealous security men in the entourage of President Obasanjo, bundled out over 20 journalists from the palace of the Alake of Egba land, Oba Oyebade Lipede in Abeokuta, Ogun State. President Obasanjo who was in Abeokuta paid a courtesy call on the monarch.

The journalists who went to the palace to await the arrival of the President were ordered out of the palace by the security men who told them they had no business being there. While trying to explain the need to cover the visit, the stern looking, fully armed security men ordered them out threatening to deal with the journalists if they didn't comply.

Journalists invited to a round table workshop organised by the Human Rights Law Service (Huri-Laws), a legal aid NGO and the United States Agency for International Development (USAID) were on June 26 unceremoniously sent out of the venue of the workshop by the organisers.

The journalists had earlier submitted themselves to electronic search while entering the plot 1612 Adeola Hopewell Street, Victoria Island offices of USAID, venue of the workshop.

An unidentified young lady who works for one of the organising groups explained to the journalists that they had to send them out because the participants at the



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workshop which included lawyers, Commissioners, Police Chief and Judges objected to their presence at the workshop.

Scores of journalists who went to cover the proceedings of the public hearing on the cause of the wreck involving a ship vessel, ECOWAS Trader II, belonging to East West Coast Marine Services, an indigenous company, were on July 3 sent out of the Directorate of Inspection, 88, Marine Road, Apapa, venue of the panel sitting.

The Taraba State House of Assembly in July banned the two state-owned media houses from covering its proceedings until further notice. The Speaker of the House, Mallam Habu Ajiya, told journalists in Jalingo, the state capital, that the Taraba Television and Radio have been banned from covering the activities of the House.

The Speaker turned down requests made by the various correspondents to lift the sanctions slammed on the affected media houses.

Accredited Nigerian journalists, who requested to use the Media Centre in Abuja to gather information and file to their stories to their various media houses, were on August 27 locked out. They were turned back at the gates when they reported to use the centre's facilities following Clinton's visit to Ushafa village near Abuja.

An official of the centre reportedly told the journalists that some security men came to close the center because it would be used for a business group meeting with the visiting President Bill Clinton, Nigerian business community and their American counterpart. Another official said they had to send the journalists away because the centre had to be swept and scanned by US security operatives.

The centre was equipped with modern communication gadgets like telephone, fax, Internet, computers and photocopiers, which were installed, specifically for the use of journalists covering President Clinton's visit.

Prof. Jerry Gana, the Minister of Information and Orientation on September 13 revealed in Abuja that the Federal Government had barred public civil servants from making statements on Federal Government's policies.

About 41 reporters covering the luncheon hosted by Kano State Government in honour of President Robert Mugabe of Zimbabwe, were barred by a combined team of police and security men from entering Africa Hall in Kano Government House, where the event took place.

Scores of journalists were on November 29 barred from covering the court martial of 25 soldiers who served in the ECOWAS Monitoring Group (ECOMOG) at Ikeja Military Cantonment Lagos. The soldiers were charged with alleged mutiny.

Though tagged an open court trial, Brigadier-General P. O. Onuode of the 3 Mechanised Brigade who was the president of the court said that provision was not made for the press.

Not even threats by Mr. Allens Agbaka, the defence counsel from Gani

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Fawehinmi Chambers, to discontinue with the trial if reporters were denied coverage, could sway the resolve of the presiding officer.

When told that the Police always allowed media coverage of their events, the court president retorted: "We have our own protocols and procedures different from the police, asking: "Or is the military the same with the police?"

The foregoing, therefore, made it imperative that the process of the advocacy for the passage of an access to public record law in Nigeria be pursued vigorously and achieved with minimum time delay.

### 3. The FOI Bill At a Glance

The Freedom of Information Bill presently before the House of Representatives is guided by a set of universally acknowledged principles. The principles are based on international and regional laws and standards, involving state practices (as reflected, inter-alia, in national laws and judgements of national courts) and the general principles of law recognised by the comity of nations.

They are a product of a long process of study, analysis and consultation overseen by Media Rights Agenda, drawing on extensive experience and work with partner organisations, chiefly ARTICLE 19, the Global Centre for Free Expression in London.

These principles include:

- \* Maximum disclosure: This encapsulates a presumption that all information held by public bodies should be subject to disclosure and that these presumptions maybe overcome only in very limited circumstances.
- \* Obligation to publish: This establishes that apart from acceding to requests to public held information, public bodies are obliged to publish and disseminate widely, documents of significant public interest, subject only to reasonable limits based on resources and capacity.
- \* Promotion of open government: The Bill seeks to provide for public education by government agencies regarding the scope of information which is available and the manner in which such rights may be exercised.
- \* Limited scope of exemptions: In the event that a request for information from a public body is denied, such refusal to disclose information must be justified by passing the three-part test. These are that:
  - the information must relate to a legitimate aim listed in the law;
  - disclosure must threaten to cause substantial harm to that aim; and
  - the harm to the aim must be greater than the public interest in having the information.
- \* Process to facilitate access: The Bill outlines the process of a rapid and fair access to information. In the event of a denial of right of access, the Bill provides that an independent review of such refusal should be sought at two levels: within the



## Pending Matters: The FOI Bill At a Glance

public body; and appeals to the court.

\* **Costs:** The Bill outlines the costing process of gaining access to information to ensure that it is not so high as to deter potential applicants, given that the whole rationale behind freedom of information laws is to promote open access to information.

\* **Disclosure takes precedence:** The Bill outlines the extent that a law shall conflict with the principle of maximum disclosure to merit being set aside.

\* **Protection for whistle-blowers:** Notwithstanding provisions in the criminal and penal code, and the Official Secret Act, individuals should be protected from any legal, administrative or employment related sanctions for releasing information on wrong-doings; commission of a criminal offence, negation of legal obligation, miscarriage of justice, corruption or dishonesty or serious maladministration regarding a public officer or body.

### Scope of Exemption

**W**hile there has been a positive groundswell of public support for the Freedom of Information Bill and as well from the National Assembly, there is still noticeable pockets of apprehension by some Nigerians about just how much of public record should be put at the disposal of the public.

The promoters of the Freedom of Information Bill obviously appreciate the potency of this fear and, indeed, the belief that when all information at the public domain is sprung open for public consumption, it would induce more harm than good. They, therefore, set out a set of unambiguous scope of exemption defining the types and circumstances where information could be denied the public.

This scope of exemption as set out in the draft Bill covers seven specific areas. These include information relating to International Affairs and Defence, Law Enforcement and Investigations, Economic Interest of the Federal Republic of Nigeria, Personal Information, Third Party Information, Legal Practitioner/ Client Privilege and Course or Research Materials.

Regarding International Affairs and Defence, the Bill provides that: The head of a government and or public institution may refuse to disclose any record requested under this Act that contains information the disclosure of which may be injurious to the conduct of international affairs and the defence of the Federal Republic of Nigeria.

However, such right to refuse the disclosure of any record requested by an applicant ceases to exist where the interest of the public in having the said record being made available to them outweighs whatever injury disclosing such records would have to the aforementioned interests.

In the case of Law Enforcement and Investigations, the bill provides that: The head of a government and or public institution may refuse to disclose any record

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requested under this Act that contains; (a) records compiled by any government and/or public institution for administrative enforcement proceedings and any law enforcement or correctional agency for law enforcement purposes or for internal matters of a government and/or public institution, but only to the extent that disclosure would:

(i) interfere with pending or actual and reasonably contemplated law enforcement proceedings conducted by any law enforcement or correctional agency;

(ii) interfere with pending administrative enforcement proceedings conducted by any government and/or public institution;

(iii) deprive a person of a hearing; fair trial or an impartial

(iv) unavoidably reveal the source identity of a confidential

(v) constitute an invasion under section 19 of this interest of the public would of a personal privacy Act, however, where the

having such record being exemption to disclosure made available, this shall not apply

(vii) obstruct an ongoing criminal investigation.

(b) information the reasonably be expected to be injurious to the

security of penal institutions.

(2) The head of a government and or public institution may refuse to disclose any record requested under this Act that contains information that could reasonable be expected to facilitate the commission of an

offence.

(3) For the purposes of paragraph (1) (a), "Investigation" means an investigation that-

(a) pertains to the administration or enforcement of any enactment.

(b) is authorized by or pursuant to any enactment.

On grounds of Economic Interest of the Federal Republic of Nigeria, the Bill provides that: The head of a government and or public institution may refuse to disclose any record requested under this Act that contains;

(a) trade secret or financial, commercial, scientific or technical information that belongs to the government of the Federal Republic of Nigeria or any State or Local Government thereof, and has substantial economic value or is likely to have substantial

value;

(b) information the disclosure of which could reasonably be expected to prejudice the competitive position of a government and/or public institution;

(c) scientific or technical information obtained through research by an officer or

“  
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 ”

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employee of a government and/or public institution, the disclosure of which could reasonably be expected to deprive the officer or employee of priority of publication;  
or

(d) information the disclosure of which could reasonably be expected to be materially injurious to the financial interest of the Federal Republic of Nigeria, or any State or Local Government thereof, or the ability of the Federal Government thereof, or the ability of the Federal Government, a State or Local Government to manage its economy, or could reasonably be expected to result in an undue benefit to any person including but not limited to the following information-

- (i) the currency, coinage or legal tender of the Federal Republic of Nigeria,
  - (ii) a contemplated change in the rate of banks interest or in government borrowing;
  - (iii) a contemplated change in tariff rates, taxes, duties or any other revenue source,
  - (iv) a contemplated change in the conditions of operation of financial institutions;
- and
- (v) a contemplated sale or purchase of securities or of foreign or Nigerian currency.

Regarding Personal Information, the bill provides that:

(1) Subject to subsection (2), the head of a government and or public institution shall refuse to disclose any record requested under this Act that contains personal information. Information exempted under this subsection shall include:

- (i) files and personal information maintained with respect to clients, patients, residents, students, or other individuals receiving social, medical, educational, vocational, financial, supervisory or custodial care or services directly or indirectly from federal agencies or government and or public institutions;
- (ii) personnel files and personal information maintained with respect to employees, appointees or elected officials of any government and/or public institution or applicants for such positions;
- (iii) files and personal information maintained with respect to any applicant, registrant or licensee by any government and/or public institution cooperating with or engaged in professional or occupational registration, licensure or discipline;
- (iv) information required of any tax payer in connection with the assessment or collection of any tax unless disclosure is otherwise requested by state statute; and
- (v) information revealing the identity of persons who file complaints with or provide information to administrative, investigative, law enforcement or penal agencies.

(2) The head of a government and or public institution may disclose any record requested under this Act that contains personal information if-

- (a) the individual to whom it relates consents to the disclosure;
- (b) the information is publicly available.

(3) Where disclosure of any information referred to in this section would be in the public interest, and if the public interest in the disclosure of such information clearly outweighs the protection of the privacy of the individual to who such information

## Pending Matters: The FOI Bill At a Glance

relates, the head of the government and/or public institution to whom a request for disclosure is made shall disclose such information.

For Third Party Information, the Bill provides that:

(1) Subject to this section, the head of a government and/or public institution shall refuse to disclose any record requested under this Act that contains:

(a) Trade secrets and commercial or financial information obtained from a person or business where such trade secrets or information are proprietary, privileged or confidential, or where disclosure of such trade secrets or information may cause competitive harm. Nothing contained in this subsection shall be construed to prevent a person or business from consenting to disclosure;

(b) Information the disclosure of which could reasonably be expected to interfere with the contractual or other negotiations of a third party;

(c) Proposal and bids for any contract, grants, or agreement, including information which if it were disclosed would frustrate procurement or give an advantage to any person.

(2) The head of a government and or public institution shall not, pursuant to subsection (1), refuse to disclose a part of a record if that part contains the result or product of environmental testing carried out by or on behalf of a government and/or public institution.

(3) Where the head of a government and or public institution discloses a record requested under this Act, or a part thereof, that contains the results of a product or environmental testing, the head of the institution shall at the same time as the record or part thereof is disclosed provide a person who requested the record with a written explanation of the methods used in conducting the test.

(4) The head of a government and public institution shall disclose any record requested under this Act, or any part thereof, that contains information described in paragraph (1) (a) and (b) if that disclosure would be in the public interest as it relates to public health, public safety or protection of the environment and, if the public interest in disclosure clearly outweighs in importance any financial loss or gain to, or prejudice to the competitive position of, or interference with contractual or other negotiation of a third party.

Regarding Advice, etc. the Bill provides that:

(1) The head of a government and or public institution may refuse to disclose any record requested under this Act, that contains preliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions are formulated, except that a specific record or relevant portion thereof shall not be exempted when the record is publicly cited and identified by the head of the government and/or public institution. The exemption provided in this subsection extends to all those records of officers and agencies of National or State Houses of Assembly, which pertain to the preparation of legislative documents.

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- (2) Subsection (1) does not apply in respect of a record that contains-
- (a) an account of, or a statement of reasons for a decision that is made in the exercise of a discretionary power or an adjudicative function and which affect the rights of a person; or
  - (b) a report prepared by consultant or an adviser who was not, at the time the report was prepared, an officer or employee of a government and/or public institution or a member of staff of a Minister of the Federal Government or Commissioner of a State Government.

On Legal Practitioner/ Client Privilege, the Bill provides that: The head of a government and or public institution may refuse to disclose any record requested under this Act that contains information that is subject to Legal Practitioner-Client privilege.

Regarding information on Course or Research Materials, the bill provides that: The head of a government and or public institution may refuse to disclose any record requested under this Act which contains course materials or research materials prepared by faculty members.

Lastly, the Bill also provides that: Notwithstanding any other provision of this Act, where a request is made to a government and or public institution for access to a record that the head of the institution is authorized to refuse to disclose under this Act by reason of information or other material contained in the record, the head of the institution shall disclose any part of the record that does not contain, and can be severed from any part that contains any such information or material.

## **Still An Endangered Specie**

**I**t is trite information to say the Nigerian media suffered untold hardship during the successive military that ruled the country before the inauguration of the present democratic government. But it still suffices to recall that during the military regimes, it was a common practice by state security agents to use gun-butts, belts, boots and other hard objects to hit journalists at the slightest opportunity. But quite clearly, the brutal repression which Nigerian journalists and media men suffered under the military, eased during the year 2000. There were noticeably

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fewer instances when journalists suffered such brutalities. Despite this fact, however, numerous officers of government and other Nigerians bent on preventing a free media practice invented several other forms of media censorship during the year. These include hate speeches directed at journalists by politicians and top Nigerian government officials, and a subtle but systematic assault on the freedom of the press to report and comment on matters of public concern through the phenomenon of libel suits, which threaten the existence of numerous Nigerian media establishments.

Other incidents of attacks on the Nigerian media that gained wide spread perpetration during the year 2000 include denial of access to information, threat to life and operation, intimidation and sharia (Muslim law) being implemented in several northern states.

In the course of this year 2000 alone, there were no less than 111 incidents of attacks on journalists, media personnel and organisations. This affected a total of 86 individual journalists and six other Nigerians who were in company of journalists at the time of the attacks and were consequently affected. This is besides hundreds of other journalists who suffered in such attacks as dismissal from work without the due process and settlement of salaries arrears owed them and those who work in the same media organisation and who suffered a collective threat to their lives and operation over reports published by their news organisation.

Among the 111 incidents of attacks on the media in year 2000, there were twenty-four incidents of assaults involving over forty-four journalists and six others. Seven cases of attacks on the media led to arrests and detention of the journalists concerned and five others in their company. Seventeen other cases, which involved 28 journalists and one non-journalist in company of journalists, did not result in arrest and detention. There was one case of arrest involving ten journalists for alleged trespass on a private property.

There were four cases of arrest of some Nigerians on sedition charges involving eight persons. Five of them were charged to court as at year end, among them two journalists and one vendor.

There were six cases of libel suits and/or threat to sue, which were considered ill motivated and aimed to harass journalists and news media thereby achieving a chilling effect on them to refrain from commenting on issues of public concern.

During the year 2000, there were 13 instances of threat to life and kidnap attempts on journalists involving 24 journalists and in one case all the editors and reporters of a media organisation. Similarly, there were two instances of armed attack on media organisations which motive bears imprint of harassment rather than armed robbery attacks as was seemingly the impression.

There were also four instances of seizure of publications/equipment/closure of station, 12 instances of prevention from performing official duty/denial of access to



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information, five instances of suspension/dismissal of journalists and media workers involving over 110 persons. Further, there were 12 instances of hate speeches directed at journalists and media workers by highly placed public officers and other Nigerians and 17 instances of threat to operation/intimidation.

Indeed, as the Nigerian media got reprieve from the jackboots of military dictatorship following the country's return to democracy on May 29, 1999, other forms of subtle censorship which started to appeal to government officials and influential Nigerians during the period of democratic rule in that year, assumed much appeal and were frequently put to use during the year 2000. The dynamism of the democratic environment saw several aggrieved persons, mostly politicians, turning to the law courts to seek redress over publications and broadcast they consider defamatory.

Although resort to court action to seek redress for alleged libel is a welcome development internationally recognised, one common denominator with most of the libel suits filed by allegedly libelled Nigerians during the year 2000 is the claims which run into several millions of naira. This raises a fundamental question of the real intention of the complainants. Several of the libel suits filled by allegedly aggrieved persons during the year are to the tune of N50million with some exceeding the billion-naira mark. In several instances, media organisations faced with these multi-million naira libel suits, spent huge sums of money, valuable editorial time and loss of confidence in the process of defending such suits.

Clearly, what emerged in the Nigerian media during the year 2000 was a subtle but systematic assault on the freedom of the press to report and comment on matters of public concern through the phenomenon of multi-million naira libel suits, which threatened the existence of many media establishments.

During the successive military dictatorship in Nigeria, several media organisations which were spared the brute assault of officers of government, had frightening awards of damages made against them such that if paid, would completely ruin their operations.

Defamation laws, originally meant to protect the reputations of members of the public, became a potent threat to press freedom in the manner of their application. The present state of Nigerian defamation laws, both in its civil and criminal aspects, render media institutions vulnerable to libel suits by public officers.

During the year 2000, some of the highly placed government officials and Nigerians that instituted, or threatened to institute, multi-million naira libel suits against journalists and media organisations for alleged libel include the former Senate President, Dr. Chuba Okadigbo; Kwara State Governor, Mohammed Lawal; former Minister for Works, General Abdulkarim Adisa and Mr. Adams Oshiomhole, President of the Nigeria Labour Congress (NLC). Others include Alhaji Ahmadu Chachangi, a prominent Kaduna-based businessman, Chief Kenneth Umezurike, a traditional

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ruler, and Alhaji Mohammed Kaloma Ali, a former Minister of Solid Minerals in the Abacha regime, among others.

As presently framed, the laws of defamation in Nigeria violate international human rights standards that are protective of the right to freedom of expression. While in the jurisprudence of international human rights bodies as well as some national courts, limitations are placed on the circumstances in which public officers can successfully maintain libel suits against the news media in respect of reports or comments on matters of public concern, no such limitations exist in Nigerian law. On the contrary, awards of damages tend to be aggravated where public officers are concerned.

Nigerian Defamation Laws require libel defendants to prove the truth of opinions or value judgements contained in news reports or commentaries, and thus, severely limits the circumstances in which media defendants can rely on the defence of "fair comment on matters of public interest."

Again, by international human rights standards, it is a violation of the right to free expression to require a libel defendant to prove the truth of opinions and value judgments, particularly where these concern matters of public interest.

The effects of excessive damages against the media can sometimes be devastating. For example, on December 27, 1990, a weekly newsmagazine, *This Week*, had all its valuable assets sized and its premises in Surulere, Lagos, sealed up. It went out of business because of its inability to meet the N3.5million damages awarded against it by a Kaduna State High Court Judge, Justice Abubakar D. Yahaya, in a libel suit instituted against it by Alhaji Mahmoud Attah, the former chairman of the federal government-owned parastatals, the Ajaokuta Steel Company.

Attah had sued the magazine for N10 million over an article it published in its August 21, 1989 edition. *This Week* remained shut for a long time after the execution of that judgment.

In the last decade and half when the military held sway, the courts regularly awarded exceedingly high damages against publishers found guilty of libel. The point is the fact that some of the damages awarded were such that threatened the very existence of the newspapers and magazines.

Virtually all the very high awards were made to either serving or former public officers. In a bid to avoid such huge libel fee many newspapers and magazines tended to avoid investigating into stories which could result in actions for libel against them, even when such stories are true, or carrying opinion articles of public interest.

Instances of hefty awards for libel include one made by Justice James Oduneye of the Ikeja High Court on May 28, 1993 against *Classique* magazine. He ordered the magazine to pay N10 million to Brigadier-General Haliru Akilu, then Director-General of the National Intelligence Agency for libel. In December 1996, an Ikeja High Court judge, Justice Eniola Longe, ordered the *Vanguard* newspapers to pay

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a former Mushin Council Chairman, Mr. M. O. Odele, N5million as damages for libel.

On March 20, 1989, Justice Kayode Ibidapo-Obe of the Ibadan High Court ordered the *Nigerian Tribune*, the *Daily Times* newspapers and *Newswatch* magazine to pay N1 million each as damages for libel to Professor Dupe Olatunbosun, formerly of the Nigerian Institute of Scientific and Economic Research (NISER) in Ibadan. The libel suit was over their report of a press conference addressed by the former Governor of Gongola State, Colonel Yohanna Madaki, whom the court also ordered to pay N5million to Olatunbosun.

In July 1997, a Warri High Court Judge, Justice M. E. Akpiroroh, ordered the *Daily Times* and a columnist for the newspaper, Dr. C. S. Momoh, to pay former Petroleum Resources Minister, Professor Tam David West, N5million as damages. This was for alleged libel contained in an article published in the October 6, 1990 issue of the newspaper.

In the same month, an Ikeja High Court judge, Justice Afolabi Adeyinka made a N67million damages award for libel to former Federal Commissioner for Finance, Major-General James Oluleye, against the British author, Jeffrey Archer. To bear the brunt with him were his publishers, Hodder and Stoughton Limited, and Express Newspapers Plc., publishers of the British newspaper, *Sunday Express*. The Court held that Archer's book, *A Twist in the Tale*, and the October 28, 1988 issue of the *Sunday Express* newspaper, which published excerpts of it, libelled Oluleye.

Some of the harassment libel suits that aimed to censure the Nigerian media during the year 2000 is the N150million suit instituted by the Deputy Speaker of the House of Representatives, Prince Nwuche, against *The Punch* newspapers and *TELL* magazine and its Editor, Nosa Igiegbor.

Nwuche asked for N100 million from *The Punch* newspapers over a series of stories, one of them captioned: *Reps Day of Reckoning Looms* published on the August 13, 2000 edition of *Sunday Punch*.

Post Publishing Company Limited, publishers of *The Post Express* newspaper and its other titles on its part, had to contend with a suit filed against it by Mr. Adams Oshiomhole who asked for N50 million for alleged libelous publication. Sued along with *The Post Express* was the then editor of its Sunday edition, Ms. Angela Agoawike.

Oshiomhole's grouse stemmed from an article which appeared in the September 10, 2000 edition of *The Post Express on Sunday* with the headline: *NLC and the Moral Question: Hunter Now Haunted*.

Kwara State Governor, Admiral Mohammed Lawal (rtd.) had to withdraw the N250 million-libel suit he instituted against an Ilorin based newspaper, *The Peoples' Advocate*, for alleged libelous publication. The suit was withdrawn following the peace effort made to settle the rift between him and former Works and Housing

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Minister Major General Abdulkareem Adisa (rtd), who owns the newspaper.

The retired Army General cum publisher had first sued *Herald*, the Kwara State owned newspaper for N50 million for aggravated and exemplary damages.

Major Gen. Adisa, in his suit alleged that *Herald* newspaper in its edition of May 5, 2000 headlined: *Adisa Rebukes Advocate management... says paper was designed to destabilise government*, libeled him.

Two days after Adisa's suit was filed, Admiral Lawal instituted his N250 million libel suit against *The Peoples' Advocate* in which he prayed the court to restrain the paper from further publishing anything on an alleged N600 million scam involving him.

Following the spate of media reports on the probe at the upper chamber of the Nigerian National Assembly, the Senate, that led to his removal from office, former Senate President, Dr. Okadigbo, instituted three libel suits against four media houses and Senator Idris Kuta who made the alleged defamatory statement. He asked for N1.3 Billion compensation for the "national and international embarrassment" that the publications allegedly caused him.

The media houses are Radio Nigeria, Kaduna, *The Punch*, *National Concord* and *Nigerian Tribune* newspapers.

Senator Okadigbo's press secretary, Mr. James Okoroma disclosed in Abuja on August 14 that Okadigbo had instructed the firm of Okeke & Okeke to institute the suits at the Federal High Court in Abuja.

During the year also, Alhaji Ahmadu Chachangi, a prominent Kaduna-based businessman, threatened to sue the African Newspapers of Nigeria, publishers of the *Tribune* titles, for N500 million and an apology. He alleged that a publication in its March 2, 2000 edition captioned: *Ex-Head of State, Bizman Behind Kaduna Riot*, had damaged his image.

These demands were contained in a letter addressed to the editor of *Saturday Tribune* by Alhaji Chachangi's solicitors, George-Taylor, Ashiru & Co.

Mr. Kenneth Umezurike took *TELL* to court at about the same period, asking for N200 million damages. The suit was filed at an Umuahia High Court before Mr. Justice S. N. Umoh. He alleged that the January 10, 2000 edition of the magazine captioned: *The Kalu Story, Governor And His Scandals*, damaged his reputation.

Mr. Igiebor, *TELL* magazine's Editor-in-Chief; Ben Charles Obi and Aminu Tijani were joined, as co-defendants.

Also, Alhaji Mohammed Kaloma Ali, a former Minister of Solid Minerals in the Abacha regime filed a suit on March 9, 2000 against Independent Communications Network Limited (ICNL) publishers of *TheNEWS* and *Tempo* magazines and *PM News*, an evening tabloid at the High Court in Kano. He asked for N150 million jointly and severally as general damages for alleged libel by *TheNEWS* magazine in its Vol. 14, No. 6, February 14, 2000 edition. Joined as defendants in the suit were

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Bayo Onanuga, Babajide Kolade Otitoju, Adewale Busari and Nick Nwafor.

Alhaji Kaloma Ali, in his statement of claims, averred that the magazine in the edition had falsely and maliciously published a story titled: *Mustapha & Co: Libyan Commandos To Storm Kirikiri, Kaloma Ali's Trip To Tripoli, Secret Meetings In Kano*.

Besides the chilling effect, which the colossal damages these allegedly libelled persons lay claim to, had on many journalists and media managers, many newspapers and their owners incurred enormous cost in defending these libel suits whose only purpose was to harass them and, whether they won or lost such cases, their costs were not recovered. Such costs were not associated with fees, the expenses frequently bringing witnesses to court and frequently bringing paying their transportation and accommodations costs, securing relevant documents and other incidental expenses.

Sadly, there was no protection under Nigerian Law for media men who were subjected to the expense of defending frivolous or harassment defamation suits as there was no legal provision which obliged the courts to award the compensatory costs in favour of such media defendants when such suits were either withdrawn, abandoned or dismissed.

“  
***Besides the chilling effect which the colossal damages these allegedly libelled persons lay claim to had on many journalists and media managers, many media incurred enormous cost in defending these libel suits whose only purpose was to harass them...***  
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Former speaker of the House of Representatives, Alhaji Salisu Buhari, for instance in 1999, filed a N1.5billion libel suit against *TheNEWS* magazines only to make a volte-face days later and admit guilt. But the court did not take cognizance of the cost the management of *TheNEWS* magazines had incurred trying to defend the frivolous case.

International rights experts have cautioned against the use of civil defamation suits and sanction to exert chilling effects on the media and hence censorship. They instead call for the use of a range of non-pecuniary remedies. For example, at a November 29 and 30, 2000, meeting in London between the United Nations Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, Mr. Abid Hussain; the Organisation for Security and Cooperation in Europe (OSCE) Representative on Freedom of the Media, Mr. Freimut Duve; and the Special Rapporteur for Freedom of Expression of the Organization of American States (OAS), Dr. Santiago Canton, with leading freedom of expression activists and advocates from around the world, they noted that:

"Civil sanctions for defamation should not be so large as to exert a chilling

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effect on freedom of expression and should be designed to restore the reputation harmed, not to compensate the plaintiff or to punish the defendant. In particular, pecuniary awards should be strictly proportionate to the actual harm caused and the law should prioritize the use of a range of non-pecuniary remedies".

Besides these numerous measures used by government officials and individual Nigerians to censure the media during the course of the year 2000, the sedition card made a re-entry into the list of tools employed by government officials for media censorship. From the look of things, it may well turn out to be a very attractive option in the months and years ahead.

On March 1, 2000, two journalists with the *Ebonyi Times*, Emmanuel Okike-Ogah and Ogbonaya Okorie, and a newspaper vendor, Kingsley Eze, were arraigned before an Abakaliki Magistrate Court in Ebonyi State and charged with sedition.

The two journalists were accused of "conspiracy to commit misdemeanor and publishing a seditious article in an unregistered newspaper." The newspaper vendor was charged with possession of the November 7, 1999 edition of *Ebonyi Times*, which contained the alleged seditious publication.

Two men identified as Adeoye Jeje and Wale Oyenusi were on April 22, arrested by policemen at the International Trade Fair Complex, along Badagry Expressway for allegedly being in possession of seditious publications and for unlawful assembly.

The men and 149 copies of the said seditious publication entitled: *The Guerilla Invasion* seized by the police, were taken to Festac Police Division.

The Lagos State Police Commissioner, Mr. Mike Okiro who confirmed the arrest said the men would be charged to court. The backgrounds of the men were not known.

Tunde Okunuga, an America-based Nigerian, was on October 6 arrested in Abeokuta by agents of the State Security Service for allegedly circulating inciting documents against a Local Government Administration in Ogun State. Mr. Okunuga allegedly employed some unidentified persons to circulate the incriminating documents.

The State's SSS boss said Okunuga's intention was to cause unrest between the residents and Ikenne Local Government Area Council. The documents allegedly described the local government administration as being corrupt accusing it of being involved in stealing, fraud, forgeries, embezzlement, sabotage and mismanagement.

The SSS boss said Okunuga claimed to possess "enough facts and figures in black and white to substantiate some cash transfer in the sum of N10 million from an account in a local bank to an account in Lagos". The document called on residents to resist the acts.

Two former Commissioners in Enugu State, Dr. Ifeanyichukwu Nwobodo Jr. the former Science and Technology Commissioner, and Ugo-chukwu Agballah, former Commerce Commissioner, were arraigned before an Enugu High Court on



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November 9, on a four-count charge of conspiracy to commit a felony, sedition and publication of false news. Both Dr Nwobodo and Mr. Agballah served in the current government of Chimaroke Nnamani.

Dr Nwobodo Jr. was arraigned for allegedly conspiring with the publishers of *TheNEWS* magazine to commit a felony to wit: "Publication of false news with intent to cause fear and alarm to the public."

Mr. Agballah was charged along with Dr Nwobodo because they were alleged to have vowed to bring down the government of Chimaroke Nnamani which they accused of many improprieties, including the murder of Sunday Ugwu, brother of a state legislator, Nwabueze Ugwu and another person.

The accused pleaded not guilty to all the charges and were granted bail by the presiding judge, Mr. Justice Innocent Umezuluike on self-recognition.

Hearing was fixed for January 15, but the judge warned Dr Nwobodo not to speak to the press on the matter saying: "This case must be tried in this court and not on the pages of newspapers." If convicted, Dr Nwobodo risks spending a total of ten years in jail.

Curiously, the accused were again arraigned at the Enugu Chief Magistrate Court Two on November 15 to face fresh charges of conspiracy, illegal procession and unlawful association. The Magistrate court remanded them in detention till November 17 when they were granted bail. They were ordered to produce one surety each with two passport photographs and evidence of landed property and residence in Enugu.

There was no ground in law for the arrest and arraignment of the journalists and other Nigerians due to the fact that the law of sedition for which they were charged is considered dead. The pronouncement of the court in the case of *Chief Gani Fawehinmi Vs. Inspector General of Police and Five Others*, surffices. This was also the position of the Enugu Appeal Court verdict in *Arthur Nwankwo Vs. The State* which ruled that the law of sedition as contained in Section 50 and 51 of the Criminal Code is inconsistent with Section 36 of the 1979 Constitution and, therefore, void.

Similarly, security aides to top government officials and security operatives at most Houses of Assembly and the National Assembly did not seem to have reconciled themselves to the new democratic culture. During the course of the year, they routinely harassed, intimidated, abused and even assaulted journalists and the government did not react to any of these incidents.

For example, on January 15, 2000, Mrs. Obed Nebo, a security detail attached to the Enugu State Governor, Dr. Chimaroke Nnamani, assaulted Mr. Uche Maduemesi, *TELL* magazine Correspondent in the state. Mrs. Nebo slapped the face of the journalist several times in the presence of the governor. The cause of the unwarranted attack was not known.



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The incident took place at the Nigeria Union of Journalists (NUJ) Press Centre in Enugu at the wedding reception of two journalists, Mr. Afam Edozie and former Miss Chibota Onuora, both of the *National Light* newspapers.

Apparently endorsing the attack, the governor was reported to have told the journalist to publish the attack in *TELL* magazine if he liked. Reports had it that the governor had, the day before the attack, accused the correspondent of writing hostile report about his government.

Tony Obot of Brillan Sports, duly accredited to cover the African Nations Cup football competition, which held in Nigeria, was on February 6, assaulted by policemen at the National Stadium in Lagos. A policeman also harassed Felix Okugbe of DAAR Communications Limited.

The policemen, led by an Assistant Superintendent of Police (ASP) Neugi Msheika, initially prevented Mr. Obot from entering the national stadium where the Super Eagles team was practising, only to descend on him with slaps on the face and knocks on the head. His clothes were also torn. He was, however, rescued by the intervention of Sunny Oyarekhua, a member of the security sub-committee.

Mr. John Ekpeyong, *The Comet* newspapers Correspondent in Akwa Ibom State on February 26, had his tape recorder and cassette seized by the aides of the Delta State governor, Chief James Ibori, whom he was interviewing at Okop Ndua Erong in Akwa Ibom State. Chief Ibori was at the village to witness the traditional marriage of the daughter of Governor Victor Atta of Akwa Ibom State.

A journalist with the Anambra State Newspaper and Printing Corporation (NPC), publishers of *National Light* Mr. Nnamdi Chukwuyindu, was on Mach 28, arrested and beaten up by the police at Area One, Garki Police Station, Abuja. He was the State House correspondent of the newspaper.

Chukwuyindu said he was investigating a case of the execution of the Sharia Law, the Islamic legal code, at the ECOWAS secretariat, Abuja when the police arrested him.

He said that his hands and legs were tied with wire while he was flogged with a horsewhip for three days before his wife came from Awka to rescue him. He said that the police in the station were still holding his pair of trousers, wristwatch, pair of black shoes and N155 cash, by the time he was released to his wife.

The police did not prefer any charge against him.

Two journalists with the Abuja office of Minaj Broadcasting International (MBI) Ken Eseni and Wale Fataye, reporter and cameraman respectively, were on June 9 severely beaten by men and officers of the Nigeria Police Force in Abuja.

The journalists were severely injured and their recording equipment destroyed. The duo were arrested and taken to the Headquarters of the Criminal Investigation Department (CID) in the Federal Capital Territory. They were released the same day and taken to Iduma Specialist Hospital for treatment for injuries they sustained.

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The two pressmen were returning to their office from the People's Democratic Party (PDP) Secretariat In Wuse Zone 2, Abuja where they had gone to cover a press conference that did not take place when they ran into people protesting the increase in the pump price of petroleum products. Their attempt to cover the event led to their attack by the policemen.

Two reporters of *The Punch* newspaper, Soni Daniel and Tony Ita Etim were in early June assaulted at the governor's office in Uyo, Akwa Ibom State, by security aides attached to the governor's office. The journalists had gone to the governor's office to cover the visit of the Governor of Central Bank of Nigeria (CBN) to the State House.

At the governor's office, Daniel identified himself and was identifying others when an overzealous security aide suddenly emerged and pounced on Etim, dragged him from the staircase and out of the lobby. Others joined him and rained blows on Daniel who attempted to intervene to stop the beating of his colleague.

It took the intervention of embarrassed CBN officials to calm the charged security men before decorum returned to the office. Etim was injured on his shoulders and neck while Daniel sustained injuries on his right hand.

Aides of Major (Mrs.) Mojisola Obasanjo (rtd), President of Masses Movement of Nigeria (MMN), in mid-August assaulted and seized the property of a *Sunday Times* reporter who had gone to interview her in order to clarify some issues. Major Obasanjo said she was incensed by perceived negative reports of her activities, which she said, could no longer be ignored because they were adversely affecting her business.

She subsequently warned pressmen to steer clear of her residence henceforth.

Mr. Afolabi Sotunde, an Abuja-based photojournalist with *The Guardian* newspaper was on September 13 horsewhipped and kicked by men of the Police Mobile Force. His offence was that he dared to take photographs of the demolition of Durumi, a settlement besides the Apo Legislative Quarters in Abuja.

Mr. Sotunde said he obtained permission to take photographs from a group of policemen before setting out to work. While recording the exercise, another group of policemen pounced on him. Thereafter, a policeman ordered his colleagues to "rip out the film from the camera."

The policeman who tried to remove the film could not. He then ordered Mr. Sotunde to remove the film himself. His explanation that it was a digital camera and does not use the conventional films earned him further beating.

On Tuesday, November 9, 2000, the day President Obasanjo presented the 2001 budget to the Joint Session of the National Assembly, Miss Ndidi Okafor of *Daily Champion* newspapers and some other journalists were assaulted by gun-trotting security operatives manning the first three gates leading into the National Assembly Complex. They had to receive medical treatment for the injuries inflicted

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on them by the security operatives. Scores of other journalists were prevented from covering the event.

On the same day, two reporters of *Sketch* newspapers and another with *The Post Express* were harassed and embarrassed at the gates, their identity cards, notwithstanding. A week earlier, a *Nigerian Tribune* reporter was assaulted at the main gate while going to the National Assembly to cover events.

The violence against journalists continued unabated and with impunity as some of the security men openly declared that they would not be disciplined for brutalising journalists.

Journalists operating in Northern Nigeria had an additional burden to contend with in the Sharia (the Islamic legal code) adopted by several northern State governments as part of the overall intimidation of the Nigerian media. Some of the governors implementing Sharia law including Ahmed Yerima Sani of Zamfara and his Kano state counterpart threatened public flogging for journalists who criticize the Muslim legal code which adoption resulted in violent conflict between its adherents and those of other religion.

The government of Kano State in early November announced plans to pass a law that would punish journalists with 60 strokes of the cane publicly if they published information considered as "offensive" to Sharia law.

Under the regulation, "erring journalists are to be given 60 strokes of the cane at a public forum to be covered by the print and electronic media and witnessed by the editors of the offending journalists."

Several newspapers reported that an 11-member-committee had been set up "to scrutinize" the draft law prepared by the Ulama (Muslim leaders) of Kano. The government did not, however, officially announce the guidelines for implementing the regulation nor did it deny the reports.

During the year, several states in the North introduced Sharia in their legislation, with clear provisions that threaten media freedom and freedom of expression.

Perhaps the greatest threat to journalism practice and freedom of expression in northern Nigeria was a proclamation by Alhaji Sani banning the broadcast of anti-Sharia news on the state's media organisation, Radio Zamfara.

The governor disclosed this in an interview in "Hmsohi" a talks show on the Hausa Service of the British Broadcasting Corporation (BBC) on June 26, 2000. He said those who had opposing views could go and air them elsewhere.

Governor Sani, whose state is fast taking on the garb of the hotbed of religious fundamentalism, in October 1999, signed into law two bills passed by the State legislature aimed at instituting Sharia in the state. This was despite criticisms from the Christian minority in that state and other parts of Nigeria.

Alhaji Sani is the first governor to adopt the criminal aspects of Sharia law in Nigeria. The law took effect in January 2000. During the course of the year states

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like Niger, Kano, Sokoto, Jigawa, Borno, Yobe either adopted it or were in the process of doing so.

From the point of fundamental right to freedom of expression and press freedom, the ban on the broadcast of anti-Sharia views on the state-owned media organisations was clearly at variance with numerous international instruments guiding these freedoms. These rights have become well appreciated, encouraged and protected, either expressly or implicitly, by several international instruments which protect the right to express one's opinion as an essential element of democracy.

These include the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights (ICCRR) which Nigeria has ratified.

Article 10 of the European Convention on Human Rights and Article 13 of the American Convention on Human Rights maintain similar positions.

International covenants generally set a three-part test for determining the legitimacy of restrictions on free expression. These include provisions that any restriction must be provided by law; restriction must serve one of the legitimate purposes expressly enumerated in the text of the law and; that such restriction must be shown to be necessary.

It is similarly not in tandem with Section 39(1) of the 1999 Constitution of the Federal Republic of Nigeria from which Governor Sani claims to have acquired his powers to adopt an official state religion. Section 39(1) of the 1999 Nigeria Constitution provides that every person shall be entitled to freedom of expression, including freedom to hold opinions and to receive and impart ideas and information without interference.

Flowing from this position is that government officials may not hinder the procurement of information accessible to the public except if it had a legitimate aim prescribed by law and are necessary in a democratic state to protect various public and private interests.

The ban on anti-Sharia comments by Governor Sani was, therefore, an assault and indeed a death sentence, Fatwa in Islamic parlance, on the right to freedom of expression of Nigerians and the press freedom of journalists. It did not address any of the three grounds of exception as proscribed by the various international covenants.

Beginning from 1981, religious conflicts have had a debilitating effect on journalism practice and the right to freedom of expression in Nigeria. Worst hit has been northern Nigeria where religious conflicts routinely break out. In 1981, a journalist with *Daily Times* newspaper, Mr. Tunde Amao, was murdered in Kano State when followers of the Islamic fundamentalist Maitasene, bent on spreading their brand of Islam, wreaked havoc in the northern part of the country. For weeks, followers of the sect torched houses, killed and maimed those who did not believe in their cause.

While the sect existed and their activities lasted, journalists operating in northern

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Nigeria faced the chilling effect of possible reprisals from the Maitasene followers in the event of broadcast or publication perceived as anti-Maitasene comments.

The menace Maitasene and his followers constituted in northern Nigeria clearly affected the objectivity of reports emanating from that part of the country. It also heralded the danger journalists are exposed to during religious disturbances that have constantly rocked the northern part of the country.

For instance, when the late fiery Islamic Mullah, Sheik Gumi, at a rally in the North vowed that it will be only over his dead body before a Christian can rule Nigeria, Christian journalists in the southern part of the country took the vow seriously. They immediately dubbed anybody that shared Gumi's sentiments a Muslim fundamentalist that was unfit to hold public office. The issue continued to polarize the Nigerian media along Christian / Muslim lines even after Gumi had died.

However, potentially more devastating is the new threats to freedom of expression and press freedom occasioned by the ban on anti-Sharia comments on Zamfara State-owned media organs as decreed by Governor Sani. This is so because unlike the Maitasene sect whose activities were carried out by a few religious anarchists, the Sharia phenomenon is widely embraced by many northern Nigerian Muslim faithfuls. Besides this, while the Maitasene sect operated without any established official endorsement, Sharia is state-sponsored.

While Nigerian journalists and Nigerians suffered the chilling effects of Sharia on their right to publish information and freedom of expression, they did not receive succor from any quarter. The Federal Government, which was expected to prevail on the states implementing Sharia to put a halt to the illegalities, was in fact, mired in controversy with them. President Obasanjo, while admitting that the imposition of an Islamic legal system in any part of the country is illegal, discountenanced the fears and apprehension of non-Muslim Nigerians by describing the implementation as an experiment that would soon fizzle out. But the Zamfara State Governor insisted that the Constitution provides that States may elect to use Islamic (Sharia) Customary law and courts. He argued that the Constitution also provides that the Federal Government should establish a Federal Sharia Court of Appeal.

However, the Nigerian Government responded that section 10 of the 1999 Constitution forbids the Government of the Federation or of a State to adopt any religion as state religion. This was followed by the non-Muslim community that has also taken the Muslims to task over Sharia, insisting that its adoption is illegal in a secular state and that it is a sign of insensitivity to other Nigerians' religious beliefs.

While the Federal Government and Nigerians who do not share in the Sharia enthusiasm had to wait for some time before their fears and apprehensions were proven right or wrong, for the media, it was clear from the onset that another round of censorship was going to begin. Several journalists, following past experiences, left the Sharia implementing states.

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The Christian dominated press in southern Nigeria continued to campaign against the adoption of Sharia in any part of the country, while the Muslims controlled northern Nigeria based media, were ardent supporters of Sharia.

This position played itself out when the Kaduna riot broke out in February. From the southern media perspective, the riot was caused by the Islamic fundamentalists while the northern media blamed it on the intolerance of the Christians. The southern Nigeria based media also routinely described the campaign for the implementation of Sharia as a subtle effort to undermine the government of President Obasanjo, who is a Christian.

Because of the emotional attachment of many Nigerians to religion, it became difficult for well-intentioned journalists and Nigerians, to "objectively", discuss the position of the law and express their private fears on the matter thereby further widening the divergent opinion on the issue. The state governments implementing Sharia who ought to provide journalists and other Nigerians with necessary information on the contentious issues all literally folded their arms thereby giving room for speculation.

In most cases, however, officials of the states implementing Sharia used every opportunity to lampoon the media, blaming it for their own short comings. Governor Mohammed Lawal of Kwara State is one of the highly placed Nigerians who found a fall guy in the media in the Sharia controversy. The governor, in March, without citing instances, accused journalists of fueling disunity among Nigerians by their reports of the Sharia mayhem in Kaduna. He made the accusation while speaking to newsmen during his brief visit to his Ogun State counterpart, Chief Segun Osoba in Abeokuta.

Besides Zamfara State, journalism practice in many states in the north became a hazardous business and journalists, endangered species.

On February 21, Timothy Olakunle Ojo, *TheNEWS* magazine's sales manager in Kaduna, was attacked near the Jos Road area of the city by religious zealots who vandalised his car. Saka Anifowose, a driver for the magazine who went to Kaduna to deliver *The NEWS* consignment, was also attacked. He was stabbed three times by the rioters and received treatment for several weeks at a Kaduna hospital.

Muslim protesters had held several rallies in support of the planned promulgation of Sharia in Kaduna State. On that day, the Christians embarked on a demonstration against the proposed law and clashes later erupted between members of the opposing groups leading to over 500 reported deaths and destruction of properties worth millions of naira.

In Niger State, where Governor Abdulkadir Kure, like his Zamfara counterpart, also started to implement Sharia law, a journalist, Wilfred Ewaleifoh, a senior editorial staff of the Nigeria Television Authority (NTA) was on May 22 arrested. He was arrested along with four others at about 9.45pm at the Nigeria Union of Journalists'



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Press Centre in Minna, Niger State and kept in Police Custody.

They were arrested by a combined team of policemen and the Niger State Liquor Licencing Board which accused them of selling and drinking alcohol in prohibited area. Although the journalist pleaded that he does not drink and asked them to smell his breath, he was all the same arrested.

Mr. Ewaleifoh and the woman among them (both Christians) were arraigned at a Minna Chief Magistrate Court on May 23. The magistrate, Alhaji Mohammed Gwaja, refused the journalist bail and ordered him to be remanded in prison custody till May 29 when the case

He was, however, case came up for hearing condemnation by human convicted, Ewaleifoh sentenced to three years payment of a fine of one US\$10,000, or both.

The arraignment of woman who are both on the sincerity of Sharia would only apply to that journalists were in for situation.

For Nigerian journalists and media groups, Although they heaved a sigh of relief from the gun-butt of state security operatives which characterised the several years of military dictatorship, but they still had to contend with ferocious shoves from various quarters during the year 2000. Hence the watchword during the year remained; Never Let Down Your Guard.

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*Because of the emotional attachment of many Nigerians to religion, it became difficult for well-intentioned journalists and Nigerians, to "objectively", discuss the position of the law and express their private fears on the matter...*  
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Ewaleifoh and the Christians created doubts proponents that the law Muslims. It also showed a head-or-tail-you-lose

### 1. Extra Judicial Killing/Murder

1. The Press Attaché to the Embassy of the Republic of Benin in Abuja Nigeria, Mr. Sunday Adalakoun, was killed during the weekend of January 8 and 9. The foreign ministry reported on January 11, 2000 that his body was found at the weekend at the boarder road between Nigeria and Benin Republic riddled with bullets from automatic weapon's fire.

The late Mr. Adalakoun was an announcer at the Benin's State Broadcasting Service. He took up press attaché job in October 1999.



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### 2. Arrest and Detention

1. On January 19, 2000, a detachment of 50 armed policemen invaded the International Press Centre (IPC), Ogba in Lagos in a commando style and arrested four journalists. The journalists were Wale Adeoye and Tunde Aremu of *The Punch* newspaper, Nicholas Nwafor, *TheNEWS/Tempo* magazines, and Lekan Otufodunrin, Journalist for Christ. They were later taken to Ogba Police Station where they were detained.

One Commissioner Sobodu of Rapid Response Squad (RRS) led the police team who went in about 20 vehicles.

The police were apparently hoping to apprehend members of the Oodua Liberation Movement (OLM), a pan-Yoruba socio-cultural organisation, which had been declared illegal by it. The group had just rounded off a press conference when the police arrived.

Lanre Arogundade, IPC's Administrator, in a press statement, explained that the IPC had, in the previous week, received a request from the OLM to use its conference hall for the purpose of a press conference at 10.00 a.m. on January 19, 2000. The request was granted. The Conference hall is commercialized and is one of the facilities available at the centre. The others being the computer centre, library, boardroom and offices.

According to the press statement, the Centre's staff member Tinuke Aderemi was also arrested. Other staff were threatened, questioned and office files and materials were searched and ransacked by policemen.

Mr. Sobodu asked Mrs. Aderemi if she could identify Mr. Ganiyu Adams and wanted to know if he came to the premises to address a press conference. She explained that Mr. Adams was a stranger to her while he or his group neither sought permission to use the hall nor came to the premises to speak with the press. Her explanation that the press conference was limited to the conference hall felt on deaf ears as the policemen ordered her to lead them into all the offices, which they ransacked, up-turning documents and files. They equally demanded for all receipts relating to the hall.

One of the policemen removed the centre spread of the day's edition of *The Post-Express* and took it away. The pages had stories on the Alliance for Democracy. Later on, those arrested were released without charge.

After the harassment, arrests and ransacking of offices, the armed invaders drove off but left behind four armed policemen. They were, however, gone by the following morning when the workers arrived to resume duty.

2. Mr. Igba Ogbole, a journalist with Radio Benue Makurdi was on January 19, assaulted, arrested and detained by men of the Nigeria Police. He was stripped

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naked and detained in a cell full of hardened criminals, where he was severely beaten by the inmates.

Mr. Ogbole, producer of a weekly personality programme, "View Point" on Radio Benue, had invited the then Benue State Police Commissioner, Mr. Sunday Aghedo, to feature in the programme. But the Police Public Relations Officer (PPRO), Mr. Ike Nwosu, indicated his interest to represent the Police Commissioner.

On being told that by the nature of the programme only the Commissioner of Police could feature and not a subordinate officer, Mr. Ike got angry and ordered an inspector to arrest Ogbole and detain him. He was released after some police officers interceded on his behalf.

Mr. Ogbole subsequently petitioned the General Manger of Radio Benue, the State Council of the Nigeria Union of Journalists (NUJ) and the State Commissioner for Justice protesting his arrest, detention and humiliation. He explained that apart from physical torture, he suffered a great deal of mental torture since that was his first experience in a police cell.

3. Four reporters with *Newsflash* newspapers, an evening tabloid, Bashir Fasasi, Gbade, Mrs. Kemi Alomaja and David Oladimeji were on February 28 arrested and detained by the police in Ikeja, Lagos.

They were arrested over a front-page lead story published by the paper where it alleged the involvement of Senator Bola Tinubu, Governor of Lagos State, in a drug deal. They were detained at Area 'F' Police Station in Ikeja.

They were released after about seven days in detention after Media Rights Agenda (MRA) stepped into the matter.

4. A journalist with the Anambra State Newspaper and Printing Corporation (NPC), publishers of *National Light* Mr. Nnamdi Chukwuyindu, was on Mach 28, arrested and beaten up by the police at Area One, Garki Police Station, Abuja. He is the State House correspondent of the newspaper.

Chukwuyindu said he was investigating a case of the execution of the Sharia Law at the ECOWAS secretariat, Abuja when the police arrested him.

He said that his hands and legs were tied with wire while he was flogged with a horsewhip for three days before his wife came from Awka to rescue him.

He said that the police in the station were still holding his pair of trousers, wristwatch, pair of black shoes and N155 cash at the time of his release.

The police did not prefer any charge against him.

5. Mr. Cornelius Igbokwe, the Publisher and Editor-in-Chief of *The Globe*, a monthly tabloid was on May 20 arrested in Onitsha, Anambra State when he went to collect proceeds from the sale of his paper.

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Mr. Igbokwe, who was released on bail on May 25, said he was quizzed over the source of the information carried in the report of the May edition of the paper which had the headline: *Biafra, Oduduwa, Danfodio Republics set to go*.

Two weeks to the May 27 date that leaders of the Movement for the Actualisation of the Sovereign State of Biafra (MASSOB) threatened to declare Biafra Republic, police in South Eastern States were alleged to have harassed journalists and news agents, invading their offices and newsstands, arresting them and confiscating publications. They were interrogated on their relationship with MASSOB and also accused of indirectly supporting the organisation by selling publications carrying reports of their activities.

Those arrested were only set free on bail after allegedly parting with large sums of money.

6. A senior editorial staff of the Nigeria Television Authority (NTA), Mr. Wilfred Ewaleifoh was on 22 May 2000 arrested along with four others at about 9.45pm at the Nigeria Union of Journalists' Press Centre in Minna, Niger State and kept in Police Custody.

They were arrested by a combined team of policemen and the Niger State Liquor Licencing Board, who accused them of selling and drinking alcohol in prohibited area. Although he pleaded that he does not drink and asked them to smell his breath, he was all the same arrested.

Mr. Ewaleifoh and the woman among them (both Christians) were arraigned at a Minna Chief Magistrate Court on the 23rd of May. The magistrate, Alhaji Mohammed Gwaja refused the journalist bail and ordered him to be remanded in prison custody till May 29 when the case would be heard.

He was, however, acquitted when the case came up for hearing. If convicted, Mr. Wilfred Ewaleifoh would have served three years imprisonment or paid a fine of one million naira (about US\$10,000), or both.

7. Policemen attached to the Ipaja Police Station in the Alimosho Local Government Area of Lagos State on December 31, 2000, assaulted and subsequently detained two journalists and their friend. The detained journalists were Gbenga Agbana, a Finance Correspondent with *The Guardian* newspapers and Gboyega Adeoye, Aviation Correspondent with *National Concord* newspapers. The third person's name was given as Bisi, an official of the Federal Road Safety Corps (FRSC).

According to the journalists, they were accosted by a patrol team of policemen of the Rapid Response Squad (RSS), the Lagos State anti-crime outfit at about 9.00pm at the Lagos State Low Cost Housing Estate in Abesan, Ipaja where they reside. The policemen, (all in mufti) were on patrol in a vehicle marked "Dragon Gulf 006" with registration number NPF 2341B. The policemen without giving any

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reason pounced on them and subjected them to severe beating without their committing any offence. They were subsequently thrown into the police van in which were some teenage girls.

The journalists said while they were being beaten and eventually driven away, they identified themselves as journalists and pleaded their innocence of whatever offence the policemen may accuse them of, but the policemen paid no heed.

The policemen subsequently seized the journalists' wallets one of which contained four thousand six hundred and fifty naira (N4,650.00) in N200 and N50 denominations and the other contained one thousand two hundred and twenty naira (N1,220.00) and a Casio Organiser containing vital addresses and phone numbers.

At the police station, the journalists said they were ordered to write down their names and were moved straight into a dingy cell of about 16 by 10ft size where they met about fifty other inmates, most of who claimed to have been arrested either in the same manner the journalists were arrested or for allegedly "throwing fireworks".

The journalists said the policemen placed all the girls arrested that night behind the counter, where they said they were amazed that during the night, the policemen raped the arrested ladies in turns right there at the station in flagrant disregard of their protestations and the fact that pressmen were around. The policemen corked their guns and threatened to shoot the ladies should they resist having sex with them.

Being held incommunicado, the journalists could not send messages to their families. The journalists said their wives and families, whom they left with a promise to return in a few minutes time so that they all could go for the New Year service at their church were left in emotional and psychological trauma, as they did not know their whereabouts. It was only by sheer chance that the journalists families located them when one of the journalists' driver used his initiative to trace them to the police station the following day, having been told of the reckless manner the policemen at the Ipaja police station operated in the area the previous night.

The journalists said the policemen tried vainly during the night to force them to write statements to implicate themselves, which they resisted. In the morning of the following day, January 1, 2001, the journalists said the policemen forced one of their neighbours, Mr. Ebhohon, who came to stand as surety for their bail, to pay the sum of two thousand naria (N2,000.00) before they were released to him. No charges were preferred against them.

### **3. Assault**

1. On January 15, 2000, Mrs. Obed Nebo, a security detail attached to the Enugu State Governor, Dr. Chimaroke Nnamani, assaulted Mr. Uche Maduemesi, *TELL* magazine Correspondent in the state. Mrs. Nebo slapped the face of the journalist

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several times in the presence of the Governor. The cause of the unwarranted attack was not known.

The incident took place at the Nigeria Union of Journalists (NUJ) Press Centre in Enugu at the wedding reception of two journalists, Mr. Afam Edozie and former Miss Chibota Onuora, both of the *National Light* newspapers.

Apparently endorsing the attack, the governor was reported to have told the journalist to publish the attack in *TELL* magazine if he liked. Newspapers reports said that the Governor had, the day before the attack, accused the correspondent of writing hostile report about his government.

2. Tony Obot of Brillan Sports, duly accredited to cover the African Nations Cup football competition, which held in Nigeria, was on February 6, assaulted by policemen at the National Stadium in Lagos. A policeman also harassed Felix Okugbe of DAAR Communications.

The policemen, led by an Assistant Superintendent of Police (ASP) Neugi Msheika, initially prevented Mr. Obot from entering the national stadium where the Super Eagles team was practising, only to descend on him with slaps on the face and knocks on the head. His clothes were also torn. He was, however, rescued by the intervention of Sunny Oyarekhua, a member of the security sub-committee.

Paul Basseyy, head of the media sub-committee begged the journalists who staged a boycott before they returned to their beats.

3. On February 21, Timothy Olakunle Ojo, *TheNEWS* magazine's sales manager in Kaduna, northwest Nigeria, was attacked near the Jos Road area of the city by religious zealots who also vandalised his car. Saka Anifowose, a driver for the magazine who went to Kaduna to deliver *TheNEWS* consignment for the week, was also attacked. He was stabbed three times by the rioters and was admitted for treatment in a Kaduna hospital.

Muslim protesters had held several rallies in support of the planned promulgation of sharia (Islamic) legal system in Kaduna State.

On February 21, the Christians embarked on a demonstration against the proposed law. Clashes later erupted between members of the opposing groups leading to over 500 reported deaths.

4. Mr. John Ekpeyong, *The Comet* newspapers Correspondent in Akwa Ibom State on February 26, had his tape recorder and cassette seized by the aides of the Delta State governor, Chief James Ibori at Okop Ndua Erong in Akwa Ibom State. Chief Ibori was at the village to witness the traditional marriage of the daughter of Governor Victor Atta of Akwa Ibom State.

Mr. Ekpeyong had approached Governor Ibori and was conducting an interview

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with him when one of his aides tapped his shoulders and asked him to leave Chief Ibori alone. He was moving away after being refused further questions by the governor when the aide asked him to give him the tape. Mr. Ekpeyong refused to hand over the tape saying he got permission to interview the governor. But that did not placate the aides who pounced on him and forcibly seized his tape recorder.

5. On February 27, at about 12.00 midnight three Mobile Policemen (MOPOLs) on the instruction of one Mr. Taiwo Ademeno, AGM Operations of Surulere Night Club beat up a journalist, Mr. Daniel Olukayode, a journalist with *Daily Times* newspaper.

According to the journalist, he had gone to the club to see another journalist, Mr. Femi Davis of *Hearts* magazine. On his arrival, he met Davis at a meeting with some friends and ordered for a bottle of beer while waiting. But the club manager walked up to him asking him to leave and threatened that he would deal with him ruthlessly. He demanded to know what his offence was, but got no reply as Davis walked away.

He came back with the policeman who accosted the journalist while he was walking away. Pointing at the journalist, one of the policemen said: "You look like a robber." The journalist quickly responded by identifying himself and showed them his Press Identification Card as a member of the Lagos Branch of Sports Writers Association of Nigeria (SWAN), an affiliate of Nigeria Union of Journalists. The policeman consulted with Ademeno who was some meters away, for a while and returned to the journalist imploring him to settle Ademeno.

Ademeno was livid on seeing the policeman talking to the journalist and he shouted at him that if he refused to "deal with him" (the journalist) there is no way he would pay them for that night.

The policemen then began to beat the journalist. They dragged him out to the open and started to beat him with slaps, kicks, blows and gun butts on his head, knees and elbow.

He was left bare of his belongings including a wristwatch, gold wedding ring, pair of shoes, belt, diary and a sum of N500. He was also stripped naked.

The policemen further chained his right arm to the back door of the jeep they brought. The jeep has the registration number: Lagos: BL 552 GGE and the number 023 written boldly on both sides.

While he was writhing in pains, one of the policemen, holding a small bottle of Guinness stout in one hand and a wrap of Indian hemp on the other, teased the journalist if he would like to drink beer as he blew smoke on his face. He also asked if the journalist needed a pen so he could write stories of what happened.

When it was dawn and it was time for them to go, they unchained the journalist and pushed him off the vehicle.



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The journalist later got treatment at the Lagos University Teaching Hospital (LUTH).

6. The Warri (Delta State) Correspondent of the *Vanguard* newspapers, Mr. Neville Omorighoye, was on April 15 attacked by eight Isoko youths in Warri for reporting the findings on the alleged toxic waste dumped at Ozoro by Shell Petroleum Development Company Limited. Ozoro is an Isoko town, one of the communities in Delta State where crude oil is prospected.

The investigation conducted by the Federal Government, Shell Petroleum Development Company Limited and medical doctors who are indigenes of Ozoro town, dismissed claims by the community that the waste Shell dumped in its environs was toxic adding that "there was no significant impact on the health of the host community."

Mr. Omorighoye reported that the youths stormed the Warri main office of Vanguard and inflicted injuries on his forefinger with knives to deter him from writing any more stories on the Ozoro toxic waste.

7. A driver with the Vanguard Media Limited, Publishers of *Vanguard* newspapers, Mr. Patrick Edok, was on May 24 beaten in Port Harcourt, Rivers State by eight men suspected to be revenue collectors of Ikwere Local Government Area in the State.

The Toyota Panel Van belonging to Vanguard Media, which he was driving, was vandalised. The bundles of newspaper in the boot of the car were thrown out, the spare tyre seized and taken away by them and the company sticker on its side removed. Mr. Edok had gone to Port Harcourt to collect copies of the newspaper for distribution when three men flagged him down. As soon as he stopped, the men swooped on him.

Before they left, one of them remarked that they would continue to disturb newspaper vehicles until they learn how to 'settle' (bribe) them like other companies.

When *Vanguard* correspondents went to the Local Government secretariat to recover the tyre and lodge a complain, they were directed to the Igwuruta Motor Park where those who attacked the driver demanded N4,000.00 for them to release the tyre they seized. When asked for a "demand notice" (which indicates a driver's offence) they refused on the ground that they were directed not to issue them to newspaper vehicles. Their attempts to see the Local Government Chairman were frustrated.

8. Mr. Ben Akparanta, the Police Affairs Correspondent of *The Guardian* newspapers was on May 31 assaulted by a family which had earlier asked the paper to write a story on the alleged strangulation to death of a member by an



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American in Lagos.

Mr. Akparanta said the Adegbite family of Community Road, Off Allen Avenue had presented the newspaper with information and photograph accusing an American, Mr. Brad Zellner of having strangled to death their daughter/sister, 26 years old Miss Atilola Adegbite. Ben said his editor subsequently assigned him the story asking him to do an investigative report of it.

The correspondent said he visited the police station and the home of the suspected American in the course of his investigation. In the course of cross-checking facts, he went to the Adegbites to verify the American's claim to the Police that Atilola collapsed and died while both of them were taking narcotics.

He said: "The fact I presented before them made them flare up and I was thoroughly beaten and my car keys seized." He said he would have been killed had he not gone with Mr. Rich Akuata, a protocol officer at Hallmark Bank who was also manhandled when the car keys were forcefully seized from him.

Ben said in addition to the physical assault, the sum of N10,000 (ten thousand naira) was taken from his car. He subsequently petitioned the Lagos State Commissioner of Police, Mr. Mike Okiro.

9. Two journalists with the Abuja office of Minaj Broadcasting International (MBI) Ken Eseni and Wale Fataye, reporter and cameraman respectively, were on June 9 severely beaten by men and officers of the Nigeria Police Force in Abuja.

The journalists were severely injured and their recording equipment destroyed. The duo were arrested and taken to the Headquarters of the Criminal Investigation Department (CID) in the Federal Capital Territory. They were released the same day and taken to Iduma Specialist Hospital for treatment for injuries they sustained.

The two pressmen were returning to their office from the People's Democratic Party (PDP) Secretariat In Wuse Zone 2, Abuja where they had gone to cover a press conference that did not take place when they ran into the people protesting the increase in the pump price of petroleum products. Their attempt to cover the event led to their attack by the policemen.

10. Two reporters of *The Punch* newspaper, Soni Daniel and Tony Ita Etim were in early June assaulted at the governor's office in Uyo, Akwa Ibom State, by security aides attached to the governor's office. The journalists had gone to the governor's office to cover the visit of the Governor of Central Bank of Nigeria (CBN) to the State House.

At the governor's office, Daniel identified himself and was identifying others when an overzealous security aide suddenly emerged and pounced on Etim, dragged him from the staircase and out of the lobby. Others joined him and rained blows on

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Daniel who had attempted to intervene to stop the beating of his colleague.

It took the intervention of embarrassed CBN officials to calm the charged security men before decorum returned to the office. Etim was injured on his shoulders and neck while Daniel sustained injuries on his right hand.

11. Mr. Canice Ikwuegbu, a reporter with *THISDAY* newspaper was on June 15 in Ijora, Lagos assaulted by men and officers of the Nigeria Police Force. The journalist had gone to Ijora to cover a fire outbreak that destroyed two warehouses belonging to Witt and Busch where electronics items were stored.

The reporter had arrived the venue of the fire incident at about 8.00 am and went about gathering information. In the process, he sought information from two management staff of Witt and Busch to provide him an eyewitness account but they declined to talk. He decided to observe what was going on. In the process of moving around, he encountered one of the numerous policemen that were at the scene of the fire outbreak later identified as Inspector Ekpegbere SIB. The journalist introduced himself and stated his mission, but he was ordered to step back. He obeyed.

But another policeman pounced on him beating, slapping and kicking him. The policeman tore his shirt, seized his identity card and the file he was carrying. The materials were later returned to him after the intervention of other policemen.

When Inspector Ekpegbere introduced Canice as a journalist, that seemed to have further infuriated the corporal who again descended on him raining more blows, slaps and kicks on him and also threatened to arrest him.

The assault resulted in bruises all over his body.

12. No less than five journalists covering the minimum wage protest by Lagos State civil servants were on July 5 assaulted, beaten and battered. The protesting workers attacked *Vanguard* newspaper Labour Editor, Mrs. Funmi Komolafe; *Newswatch* magazine's deputy photo editor, Conrad Akwu; and a cameraman with Murhi International Television (MiTV).

Mrs. Komolafe was attacked with stones, sticks and charms. They accused the press of bias and not reporting their own side of the story. The cameramen were also beaten while trying to record the workers' protest. They were accused of working for the Lagos State Television (LTV 8) which they also accused of inadequate and unfair coverage of the protest but only broadcasting government statements and actions. Mr. Akwu's camera was seized.

Relating her experience, Mrs. Komolafe said: "With stones, clubs and charms, a group of workers attacked me shortly after I had an interview with Chairperson of the Lagos State Council of the NLC, Comrade Aminat Olorunimbe at the Lagos State Secretariat of the Nigerian Civil Service Union.

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"I was first attacked by a female worker while discussing with Comrade Olumuyiwa of the Amalgamated Workers' Union. Then the men followed, tearing my blouse and trousers."

She said that they attempted to strip her naked and rob her of her bag and tape recorder. It was the timely intervention of Lanre Arogundade, Coordinator of International Press Centre (IPC) who helped her to get a motor bike and aided her escape from the mob that saved her from being lynched.

She was later driven in a car to the IPC and thence to a medical centre where she was treated of her bruises and given analgesic.

13. Guards from Prudential Guards, the security outfit protecting the United Bank for Africa on July 27 assaulted Mr. Michael Faloseyi of *The Post Express* when he went to record a protest action by the National Union of Banks, Insurance and Financial Institutions Employees (NUBIFIE) at the bank's head quarters offices.

The members of NUBIFIE were moving from one bank to the other protesting the sack of some of their members. Mr. Faloseyi, having spoken to the protesting unionists, made to go into UBA to interview the management of the bank on the crisis. In the process of clearing himself for entrance into the bank, he heard noises of commotion from the protesting workers outside. He then attempted to get out of the bank to record the event but was prevented from doing so. He went to a vantage position within the bank where he observed the protest and took notes.

One of the guards accosted him asking what his business was at the place. The guard thereafter asked him to leave. Mr. Faloseyi asked either to be allowed to go out or allowed stay at the spot he was. But the guard refused and went for his reporter's notebook besides also attempting to engage the journalist in fist cuff. The intervention of customers and unionists saved the reporter from more molestation. Some management staff of the bank looked on without intervening.

14. Aides of Major (Mrs.) Mojisola Obasanjo (rtd), President of Masses Movement of Nigeria (MMN), in mid-August assaulted and seized the property of a *Sunday Times* reporter who had gone to interview her in order to clarify some issues. Major Obasanjo said she was incensed by perceived negative reports of her activities, which she said, could no longer be ignored because they were adversely affecting her business.

She subsequently warned pressmen to steer clear of her residence henceforth.

15. Mr. Afolabi Sotunde, an Abuja-based photojournalist with *The Guardian* newspapers was on September 13 horsewhipped and kicked by men of the Police Mobile Force. His offence was that he dared to take photographs of the demolition

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of Durumi, a settlement besides the Apo Legislative Quarters in Abuja.

Mr. Sotunde said he obtained permission to take photographs from a group of policemen before setting out to work. While recording the exercise, another group of policemen pounced on him. Thereafter, a policeman ordered his colleagues to "rip out the film from the camera."

The policeman who tried to remove the film could not. He then ordered Mr. Sotunde to remove the film himself. His explanation that it was a digital camera and does not use conventional films earned him further beating.

Sotunde had blood and whip welts all over his body after the beating and he was briefly placed on bed rest at a private hospital where he went for treatment.

16. On November 9, 2000, the day President Obasanjo presented the 2001 budget to the Joint Session of the National Assembly, Miss Ndidi Okafor of *Daily Champion* newspapers and some other journalists were assaulted and had to receive medical treatment for the injuries inflicted on them by gun-trotting security operatives manning the first three gates leading into the National Assembly Complex. Others were prevented from covering the event.

Miss Okafor narrated that on the fateful day she arrived at the main gate at 9.00 a.m. to cover the joint session. She said on demand, she presented her National Assembly Identity Card. This, the security man took, inspected and declared that Miss Okafor is a fake journalist. To prove that she is an accredited journalist, she presented her media's identification card and even opted to wait at the gate while the security personnel went to the Information Unit of the National Assembly or the Special Assistant to the Senate President on Media and Publicity to authenticate her identity cards.

The officer refused to either verify her identity or allow her into the complex to cover the event. He similarly paid deaf ears to Senator Vincent Osulor, Chairman Senate Committee on Insurance who intervened and identified Ndidi as an accredited reporter.

While this drama was going on, other security personnel at the gate were busy insulting her and one twisted her left hand and destroyed her wristwatch.

On the same day, two reporters of *Sketch* newspapers and another with *The Post Express* newspaper were harassed and embarrassed at the gates, their identity cards, notwithstanding. A week earlier, a journalist with *Nigerian Tribune* newspaper was assaulted at the main gate while going to the National Assembly to cover events.

The violence against journalists continued unabated and with impunity as some of the security men openly declare that they would not be disciplined for brutalising journalists.

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17. Mr. Sam Onwuemeodo, the *Vanguard* newspaper correspondent in Port Harcourt, Rivers State was on November 11 assaulted by a faction of Ogoni youths, when two factions of the Movement for the Survival of Ogoni People (MOSOP), clashed in Bori, the headquarters of Khana local government council.

Mr. Onwuemeodo was attacked by two youths while taking notes at the scene of the clash. The two youths rushed to him, and started to beat him. They tore his reporter's notebook into pieces. The youths did not heed his pleas that: "I am a journalist," until another one of them came and intervened to rescue him from the two youths.

MOSOP factions clashed after an inter-denominational church service at Birabi Memorial Grammar School Bori. No less than five people were seriously injured while valuable properties were also destroyed.

### 4. Libel Suits/Threats to Sue

1. On January 3, 2000, Senator Isa Mohammed (PDP, Niger), The Senator Committee Vice Chairman on Public Accounts, threatened to sue *The Guardian* newspaper for N1 billion over a publication, which he alleged is false and defamed his character.

Senator Mohammed held a press conference in Abuja where he said that he has decided to take the newspapers to court on account of a publication alleging that he was involved in certificate forgery. He said that he has resorted to court action because the publication was intended to "ridicule, embarrass and stop me from doing my job."

He also declared that for "insulting students who have passed through the school", which his studentship is the subject of contest and which he claimed the newspapers averred did not exist, both the community that established the school and the students would sue the newspapers up to the same amount.

Senator Mohammed stated that the publication was highly mischievous and not in the spirit of moving the country forward.

2. Alhaji Mohammed Kaloma Ali, a former Minister of Solid Minerals in the Abacha regime filed a suit on March 9, against Independent Communications Network Limited (ICNL) publishers of *TheNEWS* and *Tempo* magazines and *PM News*, an evening newspaper at the High Court in Kano. He asked for N150 million jointly and severally as general damages for alleged libel by *TheNEWS* magazine in its Vol. 14, No. 6, February 14, 2000 edition. Bayo Onanuga, Babajide Kolade Otitoju, Adewale Busari and Nick Nwafor were joined as defendants in the suit.

Alhaji Ali, in his statement of claims, averred that the magazine in the edition had falsely and maliciously published a story titled: *Mustapha & Co: Libyan*

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*Commandos To Storm Kirikiri, Kaloma Ali's Trip To Tripoli, Secret Meetings In Kano.*

He said that by the publication in its ordinary and natural meaning, the defendants meant and were understood to mean that he had reduced himself to the level of an ordinary criminal having been accused of being a terrorist who engages foreign mercenary to forcefully invade and cause disorder in the country.

*TheNEWS* magazine had in the said edition alleged in the story that Alhaji Ali had hatched a plot to free the son of the eldest surviving son of the late General Abacha, Mohammed Abacha, and his Chief Security Officer (CSO), Major Hamza Al Mustapha, from prison. He was subsequently arrested and taken to Abuja where he spent some days answering questions on the allegation.

3. A retired Army General Major General Abdulkarim Adisa (rtd) former Works and Housing Minister and publisher of *The Peoples' Advocate* newspaper in July sued *Herald*, the Kwara State-owned newspaper, for N50 million "for aggravated and exemplary damages".

Major General Adisa, in his suit alleged that *Herald* newspaper in its edition of May 5, 2000 headlined: *Adisa rebukes Advocate management... says paper was designed to destabilise government*, libeled him.

In the suit filed by his counsel, Mr. Yusuf O. Alli (SAN), he said *Herald* newspaper gave the impression that General Adisa had carpeted the management of the paper for the policy statement unfolded during the launch of *The Peoples' Advocate* newspaper.

The management had said, when the paper was launched that contrary to insinuations in some quarters, the paper was not established to destabilise the government of the State or unduly bring down its functionaries.

Mr. Alli contested that the words of the story in their denotative and connotative meaning created the impression that Major General Adisa is an irresponsible citizen of Nigeria and a criminal who enjoyed destabilising constituted government.

The matter was later settled out of court after some highly placed individuals and traditional rulers intervened.

4. Rear Admiral Mohammed Lawal (rtd), Kwara State Governor, in July instituted a N250 million libel suit against *The Peoples' Advocate* newspaper.

In the suit, Lawal prayed the court to restrain the paper from further publishing anything on an alleged N600 million scam involving him.

Lawal, in his suit pleaded innuendo in the case of the first report by *The Peoples' Advocate* which reported that an unnamed governor was apprehended at the Murtala Muhammed International Airport in Ikeja, Lagos while allegedly attempting to smuggle N600 million state money out of the country. He got an injunction restraining *The*



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*Peoples' Advocate* from further publishing any story on the alleged crime pending the determination of the motion on notice, which was fixed for August 10, 2000 for hearing.

The matter was later settled out of court after some highly placed individuals and traditional rulers intervened.

5. Press secretary to former Senate President, Dr. William Chuba Wilberfoce Okadigbo, Mr. James Okoroma disclosed in Abuja on August 14 that Okadigbo had instructed the firm of Okeke & Okeke to institute libel suits at the Federal High Court in Abuja against some news media.

Mr. Okoroma told journalists that Dr. Okadigbo has instructed his lawyer to institute three libel suits against four media houses joined as co-defendants with Senator Idris Kuta. He said he was suing for N1.3billion compensation for the "national and international embarrassment" the publications caused him.

The media houses are Radio Nigeria, Kaduna, *The Punch*, *National Concord* and *Nigerian Tribune* newspapers.

Radio Nigeria, Kaduna and *The Punch* newspaper were joined with Senator Kuta (first defendant) in the first proposed suit in which he was asking for N500 Million damages. This threat was sequel to the publications of Senator Kuta's allegation that he embezzled N15 million of the N20 million Obasanjo campaign funds meant for the five South-Eastern States during his campaign for Presidency.

In the second proposed suit, *Nigerian Tribune* was joined with Senator Kuta for N300 million for alleging that Okadigbo spent N75 Million to buy sallah rams. Okadigbo threatened to ask for N500 Million from *National Concord* in the third proposed suit for libel and defamation of character for alleging in its weekend edition of August 12 that Okadigbo was impeached because of a curse pronounced on him by the late Owelle of Onitsha, Dr. Nnamdi Azikiwe.

6. Mr. Jarret Tenebe, a businessman, during the latter part of the year, took the Bendel Newspapers Company Limited, publishers of *The Nigerian Observer*, to a Lagos High Court claiming N30 million damage for an alleged libel. Joined as defendants in the suit were Mr. Leo Atakpu and Mr. Sonnie Ogedemgbe, a reporter and Editor respectively of the *Weekend Observer*.

In his statement of claims filed by the lawyer to the plaintiff, Mr. Z. I. Garuba, Mr. Tenebe said that the November 4, 2000 edition of the newspaper published a story injurious to his person on page 20 titled: Ogeni blasts Jarret Tenebe over Oghiadomhe. He said words in "their natural and ordinary meaning meant that the plaintiff is an indecent person."



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### 5. Threat to Life/Kidnap Attempt

1. A photojournalist with the Edo State-owned newspaper, *The Nigerian Observer*, Mr. Sunday Osadebamwen, was on January 10 chased by youths of Adeje, a village near Warri in Delta State, with intent to kill him. But he was rescued from being lynched by the timely intervention of some soldiers who led him to freedom from the scene.

The photojournalist had gone to the village to take photo shots of the scene of a vandalised petroleum pipe where the villagers were siphoning fuel for sale.

2. Mr. Eubaldus Enahoro, a reporter with the Edo State-owned newspaper, *The Nigerian Observer*, was in mid-January declared missing after villagers at Adeje, a village near Warri in Delta State reportedly chased him with intent to kill him, and he ran off into the bush. He was subsequently declared missing by his employers when he did not show-up in the office that day. He was, however, able to find his way out of the bush the next day.

Mr. Enahoro had gone to the village to report on the scene of a vandalised petroleum pipe where the villagers were siphoning fuel for sale.

3. The Edo state correspondent of the *Nigerian Tribune*, Mr. Suyi Ayodele, on January 12, 2000, raised alarm over threats to his life by people suspected to be agents of the Edo State government, over a story published in the *Saturday Tribune* of January 8, 2000. The story, written by him, was on a "millennia raffle draw" organised by the Edo State government.

In a letter to his employers, he said he was particularly worried about the threat implied in the last paragraph of a "sponsored article" in the Edo State owned newspaper, *The Nigerian Observer*, where he was warned that he could bear the consequences of his write-up.

Ayodele wrote: "Today, again, January 12, 2000, a five-page sponsored article was written on the said publication by one Hon. Sunny Uyigwe, and it was carried by *The Observer* on Page 5". He further wrote: "...the last paragraph of the said article is no doubt a threat on my life. Giving the antecedents of the people involved, one cannot just treat the threat with kid gloves."

4. An Assistant Editor with the *National Concord* newspaper, Mr. Kayode Ogunmoriyele, on February 4, escaped from the hands of five kidnappers at Akure in Ondo State.

Mr. Ogunmoriyele had gone to the state to make further investigations into a story published by *Weekend Concord* of January 29 about a chieftain of the state People's Democratic Party (PDP) who was maimed by persons suspected to be

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political rivals. The story was titled: *PDP Chief Butchered...Legs, Fingers Chopped Off*.

The journalist had visited the Federal Medical Centre Owo, the office of the State Commissioner of Police, the Ministry of Justice, and the Office of the Director of Public Prosecution all in Akure. Thereafter, he was returning to Lagos and was at the garage when two men accosted him and asked him to follow them to the State Chairman of the PDP who would like to speak with him. They had earlier identified themselves as State Officials of the PDP.

They convinced him to follow them to the Chairman who was ready to reveal the party's finding on the incident to him. He followed them into a waiting car in which the three men and the driver drove through a bush path. On the way they queried his interest in the case. He said he told them that he had no personal interest but that he was doing it for humanity. They told him that would be his last story.

When he asked them what they were up to, they warned if he queried them again, they would bathe him with acid.

The journalist recounted that when it dawned on him that these people meant to harm him, he began to pray. Because of an approaching tipper and the hill to climb, their driver had to stop in order to be able to accelerate. But the car engine stopped running. All the driver's effort to restart the car failed.

At this point Mr. Ogunmoriyele started shouting and when another vehicle began to approach he intensified his efforts. The kidnappers had no choice than to let him go. He said he ran for more than twenty minutes through the bush path before a farmer riding a motorbike carried him to safety.

5. The Sokoto State government on February 8 threatened to deal with *The Punch* Correspondent in the State, Mr. Stanley Yakubu. He was accused of allegedly giving the State "continuous negative coverage of activities."

The state governor's Director of Press Affairs, Mallam Ibrahim Gidado told Stanley that he had been sent by the governor to warn him to be very careful and put a stop to all the nonsense he had been writing about the state and the governor, in the interest of his life. He added that the State government was increasingly disturbed by his style of reporting. He, therefore, warned Stanley; "you may not live to tell the story."

Gidado said the State government had watched how Stanley and his paper had fought against the sharia issue and having failed had shifted to the governor and his government. He reminded the journalist that he was in Sokoto State and not his own state, threatening: "Here, we can take care of people like you easily."

6. Several journalists representing different media organisations in Gombe State

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were on February 17 dumped about 120 kilometers away from the state capital while accompanying the convoy of the governors' wife, Hajiya Aishatu Hashidu, on her local government tour.

The journalists were forced off a Toyota vehicle allocated to them in the middle of the journey on a terribly rough terrain by the chief detail to the governor's wife, Miss Deborah Morgan.

Sources said that the chief detail officer was acting on the order of a higher authority to forcefully eject the journalists and hand over the vehicle to commissioners' wives as their vehicles could not make the journey through the rough terrain running to hundreds of kilometers. The chief detail officer rebuffed pleas by the governor's wife's Press Secretary, Miss Lydia Kure, on behalf of the journalists.

The journalists had to trek a distance of about 25 kilometers to the main road before returning to Gombe by public transport.

7. The management of Independent Communications Network Limited (ICNL), publishers of *PM News*, an evening newspaper; *TheNEWS* and *Tempo* magazines on April 13 alerted security agents and Nigerians that Nigeria's former military president, General Babangida, was threatening it over the publication of an alleged multi billion-dollar scam in its April 17, 2000 edition.

Editor-in-Chief of *TheNEWS* magazine, Mr. Bayo Onanuga, issued the alert in a press statement. He said that various sources close to General Babangida had called the ICNL office to warn it to be prepared for series of attacks on him, his editors and workers and their interests.

*TheNEWS* magazine in the said edition alleged that findings of Nigeria's soccer star based in London, John Fashanu, showed that General Babangida was involved in a scam of debt buy-back amounting to several billions of dollars.

Mr. Onanuga in his statement said: "Apparently, this publication irked General Babangida. In the last three days, two different sources close to Babangida called us independently warning us to be prepared for a series of attacks from Babangida and his agents. Some of the attacks may be physical, some may not."

8. The Managing Director of Daily Times of Nigeria Plc., publishers of *Daily Times* newspapers titles, Dr. Onukaba Adinoyi-Ojo, on June 2 alerted the Lagos State Police Commissioner, Mr. Mike Okiro, of an attempt to assassinate him.

In a letter to the Lagos Police Boss, Dr. Adinoyi-Ojo alleged that a group which called itself "Concerned Hired Killers of Lagos State" had written to him giving him a 30-day ultimatum within which to pay the 13 months salary arrears owed sacked *Daily Times* workers or risk being killed.

The writers, he said, claimed that some staff retrenched by the company hired them. In the letter, the group warned him that: "All necessary arrangements have

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been concluded to fire you at any point in time if you refuse to pay the salary arrears on or before the expiration date".

Dr Adinoyi-Ojo in his letter to Mr. Okiro, said: "Although we have no clues about the identity of the individuals or group behind this threat, we have reasons to believe they are former staff members who lost their jobs in the reorganisation of the company".

He then called on the Lagos police boss to "take all necessary steps to unmask the characters involved and prevent them from carrying out their devilish acts".

He copied both the Inspector General of Police, Mr. Musiliu Smith and the Divisional Police Officer (DPO) of Alausa Police station.

9. Mallam Ahmed Rufai Illela, the Katsina State Correspondent of the Federal Radio Corporation of Nigeria, Kaduna was on June 9 attacked by two suspected hired assassins at his home in Katsina.

He reported that he was at home when two hefty men, armed with guns and other dangerous weapons forcibly entered his house at about 4.00am. He said the men dragged him to his living room where he was mercilessly beaten and brutalised. They informed him that they had come to kill him, when, thinking they were armed robbers, he offered them his car keys. They told him that they were on assignment from someone they did not name.

He said his two wives begged them to spare his life after which one of them hit him in the face with a heavy iron which left swelling and bruises on his face and mouth. He was later taken to the Katsina General Hospital for treatment

The attack is suspected to be in connection with a report he filed and which was aired on FRCN, Kaduna on May 29 on the soured relationship between the Katsina State Governor and the civil servants. In the report, he accused the civil servants of sabotaging the governor's efforts to curb official corruption in the civil service. This report was suspected to have angered some people who see it as unduly favouring the governor.

The Katsina State Police Command to which he reported said it had commenced investigating into the matter.

10. *Vanguard* newspaper Photo Editor, Mr. Joe Akintola, on June 9, narrowly escaped being killed by three trigger-happy Mobile Policemen who fired live bullets at him and other stranded commuters at Iyana Ipaja area of Lagos. The Policemen who came in a blue Urvan bus immediately drove towards Abule Egba area after firing several live bullets at the commuters.

Narrating his ordeal Mr. Akintola said: "As a journalist, after what happened on June 8, 2000 at Iyana Ipaja bus stop, where there was heavy demonstration in protest over the hike in fuel prices I took several photographs of the scene. While

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recording the demonstration with my camera, suddenly, I saw three mobile policemen in a blue Urvan bus. I could not recognise the bus plate number. The policemen directed their guns at us and started firing. There was a stampede and everybody started to run.

"When I saw the gun pointed at me, it was by divine intervention that I put my head under the table belonging to the vendor. The policemen fired their guns and drove straight towards Abule Egba area".

Continuing, the Editor noted: "When the police left, we looked round and to my greatest surprise, just beside the table where I was hiding, there was a spent cartridge marked PSP 83 fired by the policemen".

It was not known whether the shots were targeted at the journalist or sporadic.

11. Youths, armed with cutlasses, clubs and other dangerous weapons scooping fuel at the site of a burst Premium Motor Spirit (Petrol) pipe at Ibada-Elume in Okpe Local Government Area of Delta State on July 25 attacked six journalists. The journalists had gone to the venue to do a follow-up investigation of the fire outbreak that claimed over 300 lives earlier.

The youths pursued the journalists and five of them who had knowledge of the area escaped through the bush. Among the journalists was Uwakwe Abugu, correspondent for the *Vanguard* newspaper.

The youths captured Mr. Bisina Tunke-Aye, the Warri Correspondent of the *South South Express* newspaper. He was ordered to sit on the ground and was severely beaten. According to him, they had intended to set him ablaze and he begged for his life. He was let go after being beaten.

12. The Speaker of the Edo State House of Assembly, Mr. Matthew Egbadon, in September allegedly threatened to deal with *TheNews* magazine Correspondent in Benin City, Edo State, Mr. Victor Ofure Osehobo.

At a press conference held in his office, Mr. Egbadon said, among other things that " Ofure Osehobo who is writing trash about me in *Tempo* (magazine), I have a personal quarrel with him." He then said: "What I am going to do to Ofure Osehobo, by the time I am through with him, I am sure he will regret ever being a journalist." *Tempo* is *TheNews'* sister magazine.

Mr. Ofure, therefore, feared for his life seeing the threat as a deprivation of his fundamental rights to life, freedom of movement and expression. Ofure revealed that he had no quarrel with the Speaker as he

had only met him once at close range and that was when he went to deliver a letter to him. The letter, according to Ofure was to the effect that the Association of Media Correspondent was an illegal body and the letter was written by the Nigeria Union of Journalists (NUJ).

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Mr. Ofure wrote to his editors to help provide police protection.

13. Mr. Chukwudi Achife and Mr. Robinson Iwuoha, the Enugu State Chairman of the Nigeria Union of Journalists (NUJ), and an assistant director of news and current affairs, Federal Radio Corporation of Nigeria (FRCN), Enugu, respectively, on November 11 petitioned the Nigeria Police over alleged threats to their lives by a former Commissioner in Enugu State, Mr. Ugochukwu Agballah.

In their petitions addressed to the commissioner of police, Enugu State, they alleged that Mr. Agballah threatened their lives on November 9, 2000.

Achife alleged that on that day, at about 12.27p.m., Mr. Agballa arrived his office at the NUJ Press Centre, Independence Layout Enugu, accompanied by three gun-totting men and "physically man-handled me with obvious intention to assassinate me at the end of the physical torture." He said further that, "while the young men pushed, kicked and slapped me around Mr. Ugochukwu Agballah kept saying that he had to deal with me because, according to him, I was a lackey of Dr. Chimaroke Nnamani of Enugu State."

Mr. Achife said that they left after he made good an opportunity to run away and they could not find him in the complex after a futile search.

In his own petition, Mr. Iwuoha claimed that he was with Achife when four men walked into Achife's office and called him out for discussion.

He said that his attention was drawn to the party when voices of threat were raised. He said he quickly ran towards them to intervene but one of them held him while issuing threats. He said when he raised his voice, which attracted the attention of people within the premises and diverted their attention, Achife took to his heels. When the assailants could not find him they drove out in a black 505 Peugeot saloon car with an Abuja number.

He told the commissioner of police that it became necessary for him to petition because one of the assailants had "brandished a gun telling me to get ready for it", when they could not find Achife.

Reports say Mr. Agballah has, however, denied threatening the lives of the two journalists. He claimed that he went to the NUJ Press Centre to demand a refund of N3,500.00 which he allegedly paid for the use of the press hall for the launching of his newspaper.

Achife said Mr. Idris Mohammed, the Enugu State commissioner of police had assured him of receipt of the petition and stated that he had ordered investigation into the allegation.



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### 6. Seizure of Publications/Equipment/Closure of Station

1. Ogun State Governor, Chief Segun Osoba on May 21 ordered the Ogun State Television (OGTV) shut and the management and over 200 staff of the station to proceed on their annual leave compulsorily.

Governor Osoba disclosed the news of the closure to journalists at a press conference in Abeokuta, the State capital.

He also announced the composition of a three-man panel of enquiry comprising Chief Seyi Oyebolu, the State Attorney General and Commissioner for Justice as Chairman; the State Auditor General; and the permanent Secretary, Ministry of finance as members, to look into the affairs of the station. The panel, he said, had three weeks within which to look into the financial management of the Station.

Governor Osoba condemned the workers' earlier protest and strike, which he said were not properly done since no trade dispute had been declared with the state government.

2. State Security Service (SSS) men on May 10 in Owerri, Imo State, raided newsstands impounding pro-Biafra publications. Vendors and newspaper distributors ran helter-skelter to hide these publications, but to no avail.

On Rodidi Street, a popular newspaper sales outlet, one of the vendors was arrested and was taken to SSS office. He was, however, later released.

The security men who came in a Peugeot 504-saloon car with registration number AH 874 WER, seized all copies of publications on Biafra found on newsstands.

Two publications had their front-page headlines on Biafra in Owerri. One of them, *News Events* carried a banner headline captioned: *Biafra Recruits Soldiers*, with a rider; *Towards May 27 Declaration*. It had MASSOB leader, Chief Ralph Uwazuruike's photograph.

Chief Ralph Uwazuruike had campaigned for and asserted that he would resuscitate and declare the Republic of Biafra under the banner of Movement for the Actualisation of the Sovereign State of Biafra (MASSOB). He had fixed May 27 as the D-day. Government also vowed to suppress the move.

3. Security aides to Chief Osoba on May 16 in Abeokuta, forcibly seized a videocassette from cameramen of the Ogun State Television (OGTV), Abeokuta. About 200 workers of OGTV had marched to the Presidential Villa to protest the non-payment of their five months salaries.

Report says the governor did not give the protesting workers a good reception, insisting that the process of meeting him was wrong and unacceptable. When the situation was getting rough, the governor was said to have driven off to his residence



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to the bewilderment of the OGTV staff.

Governor Osoba's aides, who suspected that the OGTV Camera crew was recording the encounter, went after the crew and after a scuffle, forcibly seized the tapes. The workers went after the aides and after hours of agitation were able to retrieve the tapes.

4. The July 3 to 10, 2000 edition of Benue State newspaper, *The Voice*, was withdrawn from newsstands in Makurdi on Monday, July 3. Though no reasons were given for the withdrawal, investigations revealed that it was in connection with a story published in the edition alleging that the Benue State House of Assembly had been bribed to impeach the state governor, George Akume.

The report alleged that the sum of N200 million had been transferred through Habib Nigeria Bank to Makurdi, the State Capital, for the purpose.

Some newspaper vendors confirmed that they had sold few copies before they were asked to return them.

### **7. Prevention from Performing Duty/Denial of Access to Information**

1. Jigawa State Governor, Alhaji Ibrahim Saminu Turaki, in January invited journalists from Lagos State for a press briefing, leaving out their counterparts based in the state.

The state-based journalists, who were billed to cover the governor's budget presentation and a special press briefing together with the invited Lagos journalists, were only allowed to cover the budget presentation. They were, however, left out of the press briefing, which took place in the governor's house.

The correspondents waited for over three hours at the government house only to realise that the governor had briefed their Lagos counterparts in his residence.

There was no official reason as to why the governor decided to brief only the Lagos journalists. Reports, however, said that the sidelining of the state-based journalists by the governor was to prevent the correspondents who are more informed of the local issues and problems besetting the state from asking critical questions.

2. Journalists covering the National Assembly were on February 8, barred from the venue of the ministerial budget defence. Though no reasons were given for the action, it was believed that the lawmakers did not want the defence budget proposal for the fiscal year 2000 made public.

About four ministers appeared before various committees to defend their ministries' budget proposals from which journalists were hindered. Even the Committee on Foreign Affairs which, initially allowed journalists later sent them out after the opening ceremony.

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3. Several members of the Benue State House of Assembly led by its Deputy Speaker, Alhaji Sule Audu, in mid-February tried vainly to sponsor a motion that would bar journalists from covering proceedings of the Assembly. The House members also wanted a ban on members granting journalists interview.

Alhaji Audu said the ban had become necessary because interviews conducted by some journalists were always embarrassing, adding that often journalists' reports of proceedings of the House were distorted.

Audu's motion was supported by majority of the members, who said that radio Benue and *The Voice* newspapers, owned by the state government, were the worst offenders.

However, the Speaker, Mrs. Margaret Icheen, overruled the motion and stressed that all arguments advanced by the legislators infringed on the freedom of the press.

Icheen pointed out that as representatives of the people, journalists could approached them at any time for interviews.

4. Security men in the entourage of President Obasanjo on April 19, bundled out over 20 journalists from the palace of the Alake of Egba land, Oba Oyebade Lipede in Abeokuta, Ogun State. President Obasanjo who was in Abeokuta paid a courtesy call on the monarch.

The journalists who went to the palace to await the arrival of the President were ordered out of the palace by the security men who told them they had no business being there. While trying to explain the need to cover the visit, the stern looking, fully armed security men ordered them out threatening to deal with the journalists if they didn't comply.

After the journalists vacated the palace, it was locked against them. It took the intervention of the Ogun State Governor, Chief Osoba, before they were allowed back into the palace.

5. Journalists invited to a round table workshop organised by the Human Rights Law Service (Huri-Laws), a legal aid NGO and the United States Agency for International Development (USAID) were on June 26 unceremoniously sent out of the venue of the workshop by the organisers.

The action did not go down well with the journalists who initially had to submit themselves to electronic search while entering the plot 1612 Adeola Hopewell Street, Victoria Island offices of USAID, venue of the workshop. They protested the treatment and asked to see Huri-Laws President, Olisa Agbakoba, or his Deputy, Sam Amadi.

An unidentified young lady who works for one of the organising groups explained to the enraged journalists that they had to send them out because the participants at

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the workshop which included lawyers, Commissioners, Police Chief and Judges objected to their presence at the workshop.

6. Scores of journalists who went to cover the proceedings of the public hearing on the cause of the wreck involving a ship vessel, ECOWAS Trader II, belonging to East West Coast Marine Services, an indigenous company, were on July 3 sent out of the Directorate of Inspection, 88, Marine Road, Apapa, venue of the panel sitting.

The journalists were sent out by Ms. Pauline Njemanze, Chairman of the Board and a Chief Magistrate from Imo State, in conjunction with Captain S. A. Omotosho, the Managing Director of East West Coast Marine Services.

Explanations by the journalists that they do not need invitation but that they were there based on public interest did not move the officials to shift ground.

ECOWAS Trader II sank in 1999 off the Coast of Guinea Bissau.

7. The Taraba State House of Assembly in July banned the two state-owned media houses from covering its proceedings until further notice. The Speaker of the House, Mallam Habu Ajiya, told journalists in Jalingo, the state capital, that the Taraba Television and Radio have been banned from covering the activities of the House for alleged blackout or censor of the legislators.

Ajiya alleged that since the state media had openly decided to report only the activities of the executive arm of government, members also resolved to bar them until they demonstrate a change of attitude.

He said it was disheartening that while the legislative arm was doing everything possible to justify the mandate given them by the electorate as well as make the state media organisations function properly, they decided to "hide some of their proceedings," from the public.

The Speaker alleged that before the recent dissolution of the state executive council, the two media houses refused to broadcast their activities. Ajiya said the legislature was comfortable with the efforts of the correspondents representing various external media establishments in the state.

According to him, the coverage of the television and radio houses do not go beyond Jalingo metropolis, saying "why do we need to bother ourselves over the epileptic performance."

The Speaker turned down requests made by the various correspondents to lift the sanctions slammed on the affected media houses.

Meanwhile there was no official reaction from the management of the state-owned television and radio establishment.

8. Accredited Nigerian journalists, who requested to use the Media Centre in Abuja to gather information and file their stories to their various media houses, were on August 27 locked out. They were turned back at the gates when they reported to

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use the centre's facilities following Clinton's visit to Ushafa village near Abuja.

An official of the centre reportedly told the journalists that some security men came to close the center because it would be used for a business group meeting by the visiting President Bill Clinton, Nigerian business community and their American counterpart. Another official said they had to send the journalists away because the centre had to be swept and scanned by US security operatives.

The centre is equipped with modern communication gadgets like telephone, fax, Internet, computers and photocopiers, which were installed, specifically for the use of journalists covering President Clinton's visit.

9. Prof. Jerry Gana, the Minister of Information and Orientation on September 13 revealed in Abuja that the Federal Government had barred public civil servants from making statements on Federal Government's policies.

He disclosed this after a Federal Executive Council meeting. He said the decision was taken because of the confusion generated by conflicting statements of officers and top civil servants especially on the on-going privatization of some government establishments.

10. About 41 reporters covering the luncheon hosted by Kano State Government in honour of President Robert Mugabe of Zimbabwe, were barred by a combined team of police and security men from entering Africa Hall in Kano Government House, where the event took place.

A correspondent of the News Agency of Nigeria (NAN), who was at the scene reported that Alhaji Ibrahim Ado, a media officer to Governor Rabi'u Kwankwaso, was also denied access to the hall by the security men.

11. Scores of journalists were on November 29 barred from covering the court martial of 25 soldiers who served in the ECOWAS Monitoring Group (ECOMOG) at Ikeja Military Cantonment Lagos. The soldiers were charged with alleged mutiny.

Though tagged an open court trial, Brigadier-General P. O. Onuode of the 3 Mechanised Brigade who was the president of the court said that provision was not made for the press.

He told Mr. Allens Agbaka, the defence counsel from Gani Fawehinmi Chambers, who threatened to discontinue with the trial if reporters were denied coverage, that the court was open only to the extent of allowing civilian counsel for the accused persons.

General Onuode advised that, in the alternative, the reporters should go to the convening officer and secure accreditation before coming to cover the proceedings.

When told that the Police always allowed media coverage of their events, the court president retorted: "We have our own protocols and procedures different form

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the police, asking: "Or is the military the same with the police?"

Some reporters who went to the office of the convening officer, Brigadier General I. A. Anche, were, however, disappointed as they were told that he was in a conference and could not be "disturbed".

12. The Kano State government came hard on freedom of expression and press freedom by banning film show. In a statement, the government directed the immediate withdrawal of all the licenses of film producers, distributors and video centres.

In the statement, government said it had banned "the shooting, production, distribution and showing of such films anywhere in the state." The government said in the statement that it was worried that film show causes incalculable damage and nuisance on the sacred teachings of the Sharia legal system.

The decision was reached on December 14 at the State Executive Council meeting chaired by Governor Rabi'u Musa Kwankwaso.

Meanwhile, the council also instructed the State Ministry of Information to articulate modalities for "censorship of films in accordance with the socio-religious and cultural interest of the good people of the state", and further directed interested film producers/operators wishing to operate within the confines of the new guidelines to apply and obtain new licences.

### **8. Hate Speeches**

1. The Emir of Ilorin, the traditional ruler of the Kwara State Capital and a one-time judge of the Supreme Court, Alhaji Ibrahim Sulu Gambari, directed hate speeches at the press on January 7, 2000 for allegedly over-blowing their reports of cases of Muslim fanatics' vandalisation of Churches in Ilorin. The Emir debunked press reports that churches were burnt maintaining, "no single church was burnt during the disturbance."

But in another breath, he admitted that some churches were vandalised, but added: "It is unfortunate that the media over-reported the religious crisis, portraying this peaceful city as unsafe."

The Christian Association of Nigeria (CAN) in the State, however, debunked his assertion that no church was burnt saying that it has both still and video pictures of the burnt churches. It later published some of the pictures in an advertorial in some newspapers.

2. In mid-January, Alhaji Abdulahi Adamu, the Nassarawa State governor lambasted the press for allegedly not reporting anything positive about the State or its policy makers excepting negative stories.

According to him, "no good thing we do hits headlines. Since we came into

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government, there was never a front-page story in any print media, about myself or my deputy or the speaker of the State House of Assembly or any important event in Nassarawa State."

He alleged that, "the only time we hit the headline was when somebody wanted to run us down."

3. Chief Abraham Adesanya, a politician and chieftain of the Yoruba ethnic socio-cultural group, *Afenifere*, in late January blamed the mass media for their roles in the violent activities of the militant faction of the Oodua People's Congress (OPC).

Speaking to newsmen at his Apapa-Lagos home, Chief Adesanya observed: "These so-called OPC crises are fanned by pressmen." He did not provide evidence nor expatiate further.

In the same vein, chieftains of both the Fasehun and Ganiyu Adams'-led factions of the OPC also accused the press of being responsible for their woes. They castigated the press for being hostile to OPC and casting it in bad light in the eyes of the general public. The chieftains spoke at various times and places to newspaper correspondents.

Mr. Kayode Ogundamisi, Secretary of the Fasehun faction accused the press of giving "too much" attention to the Ganiyu Adams' group thereby encouraging the reign of anarchy. Alhaji Lateef Oshodi of the Ganiyu Adams' faction also lashed at the press accusing journalists of shunning their press conferences simply because theirs was regarded lowly and lacking eminent Yorubas with social and political clout. Another Adam's chieftain, Mr. Gbenga Olowoseye accused the press of painting the Adams' faction in a bad light.

4. Journalists covering the Cross River State House of Assembly were on February 23, abused and cursed by the State legislators for writing and exposing a bribery scandal in the house. The legislators described the journalists as "illiterates, half baked graduates, and poverty stricken." The lawmakers cursed them and also accused them of being paid agents, out to tarnish the image of the Assembly.

Journalists covering the Assembly had reported that the legislators extorted N2.5 million from the Local Government Chairmen in order to influence their tenure to be made four instead of three years.

Reacting to the attack, the Association of Assembly Correspondents, in a letter to the Speaker of the State Assembly, on the same day, expressed disgust and disappointment over the legislators' unguarded utterances on the issue. The letter signed by its Chairman, Comrade Increase Abasiubong, and the Secretary, Ubon Ekanem, asked the Speaker to call the legislators to order.

In the letter, they said. "... we detest the disparaging statements, name-calling and defamatory utterances made by some lawmakers against the press." They

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warned that "any further unprovoked attack on members of the revered profession will be vehemently resisted and possibly culminate into total boycott of the Assembly's proceedings."

5. Members of the Lagos State House of Assembly on April 17, lambasted journalists who they accused of being jealous and envious of them. Their major grouse was the cover story of *TELL* magazine of April 24, 2000, captioned: *Legislators Loot the Treasury*.

The story tells of how the legislators in the state voted millions for themselves through blackmailing their Chief Executive. One such instance is the report that the 40 legislators allocated N25million to themselves as constituency fund.

The legislators accused the media of sensationalism, strongly condemning what they called "calculated attempt to discredit the State House of Assembly and tarnish its integrity."

According to a lawmaker, Hon. Hassan Adefarasin, "...these pressmen are envious of us, otherwise I see no reason why they should be writing about cars, dressing allowance and constituency fund, insinuating that we are busy sharing money here everyday."

The House Chairman on Information, Hon. Tunde Oyewo, on his own urged the house not to hesitate to deal with media organisations found blackmailing it.

6. Senator Francis Arthur Nzeribe, (Orlu, Imo State), accused the press of being biased in their reportage of his impeachment notice against President Obasanjo. He made the accusation at a press conference held in Owerri, the Imo State capital.

He said: "In view of the fact that the Nigerian media have already taken sides and condemned both the message and the messenger without hearing or sighting the exhibits, it excludes itself from any possibility of having a fair hearing."

He claimed that the media are simply anti-Nzeribe no matter how valid, reliable or truthful, whatever emanates from him, adding that he had "absorbed all the public insults and abuses with dignity and respecting the rights of the critics and detractors crucifying me for exercising my fundamental rights".

Senator Nzeribe had on April 17 slipped copies of a letter seeking the consent of the members of the Senate for him to file a notice of impeachment against President Obasanjo, into their pigeonholes.

In the letter was a list of alleged misconduct against the President. He was roundly condemned by Nigerians and had to drop the move.

7. Senator Balla Adamu, the Chairman of the Senate Committee on Special Duties on May 19, made hate speeches at the Nigerian media, specifically what he called the Lagos-Ibadan (South-Western), for alleged sectional and tribalistic media



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reportage. He said this while speaking to newsmen at the National Assembly Complex in Abuja.

He said: "It is very clear from what has happened in the past few months, beginning from the Bola Tinubu saga to the current attempts from the outside to unseat the Senate President, the media, except for a few ones, has clearly shown that it is biased, sectional and tribalistic and it has been disappointing."

He also alleged that the sectionally biased media worsened most of the problems besetting Nigeria's emerging democracy warning that until ethnic journalism was curtailed, the country may never know peace.

He contended that had Dr. Okadigbo been a Yoruba man, "the bashing, negative publicity and campaign of calumny that has been waged assiduously against him would not have taken place."

8. Alhaji Ahmed M. Makarfi, the Kaduna State governor, on June 30 made a hate speech directed at journalists and accused them of fueling the Kaduna Sharia crises. He accused the press of publishing inflammatory stories, which aggravated the crises instead of reconciling the parties involved through dialogue. He, however, failed to provide instances where journalists distorted information to cause alarm.

He was speaking at the occasion of the visit of the Director General of the National Broadcasting Commission (NBC), Mallam Nasir Danladi Bako. Makarfi contended that the press ought to have disseminated concise information that would create an avenue for peace and reconciliation. Makarfi accused the press of taking sides and confusing their audiences with sensational stories.

9. The Minister of Culture and Tourism, Chief Alabo Graham-Douglas on July 4 at about 10.00 a.m. ordered journalists out of his office calling them detractors.

The journalists had converged in his office in response to an invitation signed by his chief press secretary sent to media houses on July 3 to cover a meeting between officials of the ministry and representatives of Microsoft. The Microsoft delegates were at the ministry to inform the Federal Government of Microsoft's intention to invest \$15 million in the country and seek its assistance for protection of its products.

But the minister said the meeting was private and ordered the journalists out of his office.

10. Chief Bisi Akande, the Governor of Osun State accused journalists of being the major problems of his administration. Consequently, he made hate speeches at journalists cursing them, that they would all perish.

Speaking to representatives of Nigeria's three political parties in Osun State on the labour crisis in the State, he claimed journalists were not friendly with his government. He said, "media men in the State are the greatest problems my

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administration is facing. Anybody that wants to unravel the mystery of God will perish, so journalists in the State would perish."

11. The Zamfara Sate Chairman of the People Democratic Party (PDP), Alhaji Samaila Gusau accused journalists in the State of been biased in their news report, while directing hate speeches at the them.

Alhaji Samaila alleged that each time members of the party spoke to journalists in the State, they "either suppress our views or we are misquoted." He said that was the reason that made the State PDP to go to Kaduna to address a press conference earlier.

12. Governor Donald Duke of Cross River State called journalists several unprintable names, blaming it for the frequent border clashes between the state and Akwa Ibom State. Governor Duke claimed that the impression created by the media on the relationship between the two states "is that of cat and mouse, but on the contrary mutual love exists amongst the people."

The governor made the unsubstantiated accusation in Akwa Ibom State where he had gone to honour the invitation of a socio-cultural group. He stated that the affinity binding the two states "is inseparable," and that, the people were merely divided for administrative convenience and developmental reasons.

### 9. Armed Attack

1. On January 3 at 3.00 a.m., a gang of five armed men raided the Ikenne Close, Abuja, Federal Capital Territory (FCT), offices of *THISDAY* newspapers. The gang, armed with dangerous sophisticated weapons, forcefully broke into the offices, beat up staff and stole items including a briefcase containing eight thousand naira (N8,000.00), a return ticket to Lagos and other valuables.

The operation, which lasted for about one and a half hours, left the deputy editor (Abuja) of the newspaper, Mr. Kenneth Tadeferua, badly wounded and was later taken to a hospital in Abuja for treatment.

The office complex of *THISDAY* in Abuja also houses some staff of the newspaper. The FCT police, which confirmed the incident, said investigations were being carried out over the incident but no arrest was made as at the end of the month.

That was the second time armed bandits would be raiding *THISDAY* Offices in the last four months. In the early hours of October 21, 1999, about six armed bandits raided the Lagos offices of the newspaper injuring two staff and stealing personal items and valuables.

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2. A gang of armed men numbering over 20 in the early hours of November 22 raided the premises of *Daily Times* newspapers on Alhaji Lateef Jakande Road in Ikeja, Lagos. They injured six workers of the media outfit, including the Features Editor, Mr. Sunny Oribioye.

The bandits, armed with guns, axes and other dangerous weapons, got to the premises at about 1.45 a.m. They climbed and jumped over the fence and then beat and tied up some of the security men on duty whose uniform they then wore to deceive others and give them easy access to the offices. They ransacked the cash office and the offices of the general manager and deputy editor, *Daily Times* and assaulted the Editor of the *Daily Times on Saturday*, Mr. Kodilionye Obiagwu and some other members of staff on duty.

The bandits' attempt at breaking the safe where money is kept failed and they had to flee when they heard the siren of a police patrol team that later came.

### 10. Threat to Operation/Intimidation

1. The Oyo State Chapter of the Oodua Peoples' Congress (OPC) on January 20 threatened to deal with journalists for what it considered negative reports of its activities by the media.

The State Chairman of the group, Mr. Dauda Akala, made the threat at Ibadan when he led the executives of the group to see the Oyo State Governor, Alhaji Lam Adeshina. He decried the negative impression allegedly given the group by some national dailies that portray its members as hoodlums and miscreants.

2. The Jigawa State Governor, Alhaji Saminu Turaki, on February 16, threatened to blacklist the Triumph Publishing Company, Kano, publishers of the *Triumph* newspapers, because of alleged negative reports of the paper on the state.

Speaking with the management of the company led by the Managing Director, Alhaji Mohammed Danyaro, who paid him a courtesy visit, Turaki said the paper was not being fair to the state in its coverage of events.

He said he was disappointed to note that most of the newspapers' reports on the state were negative, despite that Jigawa was once a part of Kano State.

The Governor said the state might stop patronising the newspaper, until it changed its "negative attitude".

3. In the late hours of April 4, a detachment of State Security (SSS) agents sealed off the premises of Leaders and Company Limited, publishers of *THISDAY* group of newspapers.

According to a press statement by the managing editor, Mr. Wale Oladapo, on behalf of the management of *THISDAY*, nine men of the SSS armed with submachine

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guns and pistols forcibly entered its Apapa corporate office purportedly in search of "subversive and incriminating documents" and to arrest the Editor-in-Chief Mr. Nduka Obaigbena. They reportedly flashed a search and arrest warrant, allegedly issued by an Ikeja Magistrate Court, which they refused to serve.

The statement added that: "In the process, the security operatives manhandled *THISDAY* security personnel and disrupted operations from 2 p.m. till 5 p.m. While the siege lasted, *THISDAY* staff and clients who had come to transact business were prevented from either entering or leaving the premises."

The statement further claimed that the raid might not be unconnected with a number of stories bothering on financial impropriety by some government officials, specifically, the person of Lt. General Aliyu Mohammed Gusau, which the newspaper is investigating. It traced the genesis of the publisher's problem with General Gusau to a court case that had to be settled out of court on the intervention of the Presidency.

The SSS issued a statement refuting the closure, but said its men merely went to execute a warrant for the arrest of *THISDAY* publisher.

They claimed that they were in search of Obaigbena over unpaid hotel bills amounting to \$23, 407.00 which he allegedly incurred at Marriot Wardman Park Hotel when he organised a World Bank/International Monetary Fund (IMF) conference in the US.

However, Chief Magistrates Bisi Oke Lawal and A. Abari of the Ikeja Magisteral Division both denied the SSS claim that the warrant they brandished at *THISDAY* was issued by their division. Abari further explained that a search warrant is not meant to seal-off premises but issued simply to recover properties and the fact that the SSS men did not leave a copy behind shows that the authenticity was suspect and their intent untidy.

Mr. Obaigbena, however, refuted the SSS allegations during a world press conference he addressed on April 6. He explained that the issue of the unpaid hotel bill had been settled as far back as January 6, 2000. Details of the payment had been made available to the Presidency following inquiries from it. He showed further proof that the National Commission on Privatisation (NCP) with which he collaborated to organise the conference is still indebted to him. He subsequently stepped down as the chairman and chief executive of Leaders and Company Limited for three months within which he would prove his innocence of the charges.

Subsequent the Joint Secretary of the World Bank Group and IMF, in a letter on April 19 signed by Ms. Patricia Davies, Assistant Secretary for Conferences of the Bank/Fund, confirmed that Mr. Obaigbena had settled the alleged debt.

This clarification was further attested to on April 21 when the management of Marriot Wardman Park Hotel in a letter signed by Ezeth Holiday said the check number 139 in the amount of \$23,407.39 was cashed on January 6.

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4. Students of the Ambrose Alli University, Ekpoma in Edo State threatened to attack journalists and publications that publish whatever did not favour them.

Over 200 students of the institution on May 24 stormed the offices of *The Punch* newspaper in Benin-City, the Edo State Capital, where they warned its correspondent, Taiwo Adisa, that they would attack the office and in addition abduct him if he did not retract, within 72 hours, a 'negative' report in its May 20 edition.

The said story, titled: *Irate Students Disrupt Ekpoma Convocation*, alleged that students of the school disrupted its convocation held on May 19 which caused President Obasanjo to hurriedly leave the school premises.

The students said they have been battered by the report.

5. The Nigeria Broadcasting Commission (NBC) on June 10 warned television stations in the country to desist from transmitting signals from the organisation known as TV Africa.

The warning was contained in a statement signed by its Director General, Mallam Bako who said TV Africa was not registered to operate in Nigeria. According to him, TV Africa's free-to-air transmission of international signals is not permissible in Nigeria without the approval of NBC. It added that TV Africa has repeatedly ignored NBC's advice to regularise its operations in Nigeria.

The statement therefore warned Nigeria broadcasting stations to review all dealings with the company.

TV Africa, owned by African Media Group has five offices across Africa and Europe with its Headquarters in Mauritius. It relayed signals from Accra in Ghana to some television stations in Nigeria and from Nigeria to some other stations outside the country in the Nigeria-Ghana 2000 African Cup of Nations played in January and February 2000. It also syndicates programmes to some stations with which it has agreement in Nigeria.

Prior to the Euro 2000 League, TV Africa had threatened to sue the Nigerian Television Authority (NTA) if it transmits signals of any of the matches as TV Africa claimed it had the sole right to transmit it in Africa. NTA had been calling for advert booking for the matches from advertisers.

6. Six plain-clothed Policemen from the Criminal Investigation Department (CID) from Enugu State on June 20 raided the Ikeja Offices of Independent Communications Network Limited (ICNL) publishers of *TheNEWS* and *Tempo* magazines and *PM News*, an evening newspaper.

The team led by one Ahmed Yahya, an Assistant Superintendent had gone to "invite" Bayo Onanuga, the Editor-in-Chief, to Enugu to defend a libel complaint by Governor Chimaroke Nnamani of Enugu State. Bayo refused to honour the invitation.

The men wanted him in connection with two stories in past editions of *TheNEWS*

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magazine, one titled: *A Nemesis for Nnamani*, in its April 24, 2000 edition and an interview with Dr. Ifeanyichukwun Nwobodo jnr. in its May 1, 2000 edition entitled: *My Grouse With Nnamani*.

7. A journalist, Mr. Louis Onyia, went into hiding as police in Enugu State spread its dragnets to arrest him for being a "thorn in the flesh of Governor Chimaroke Nnamani".

Mr. Onyia, who is also the publisher of *Independent Summit*, was being hunted for two cover stories entitled: *Governor Nnamani Sacks Wife After Beating Her*, and *Things Fall Apart: Nnamani Families On Warpath*, which appeared in the May 29 and June 12, 2000 editions respectively.

Mr. Onyia stated that A. O. Iyamabor, an Assistant Superintendent of Police was put on his trail. He said he has been warned to surrender himself or be declared wanted based on which any policeman can shoot him.

8. *Vanguard* newspaper correspondent in Anambra State, Mr. Tony Edike was on June 26 ordered to report at the Anambra State Police Command "in his own interest or face problems with the police."

The order was handed to the Chairman of the Enugu and Anambra State Chapter of the Nigeria Union of Journalists who was asked by the Anambra State Commissioner of Police, Mr. Fatai Fagbemi to produce Mr. Edike in his office.

In a letter signed by Mr. Fagbemi's Public Relations Officer, Deputy Superintendent A. O. Ugbo dated June 26 entitled: "Invitation for Interview Re: Mr. Tony Dike (Male)", the chairman was asked to produce Tony in his office to interview him on 27th June 2000 at 0900 hours prompt. The letter stated that the interview was in respect of an article written by him and published in the front page of *Vanguard* newspaper of June 23, 2000.

The letter, copied the Commissioner of Police (A Department) of the Enugu State Headquarters of the Nigeria Police Force was delivered to *Vanguard* Zonal Editor's office in Enugu by two plain-clothed policemen who handed down the warning.

9. The governor of Zamfara State, Alhaji Ahmed Sani on June 26, warned journalists against airing any anti-sharia news or comments on Radio Zamfara.

Alhaji Sani disclosed this in an interview with the Hausa Service of the British Broadcasting Corporation (BBC). He said those who had opposing views could go and air them elsewhere.

Alhaji Sani is the first governor to adopt the penal code of the Sharia Islamic law in Nigeria. This drew criticism and controversies from a cross section of Nigerians and caused mayhem in parts of the Northern States of Nigeria. In spite of this, some other governors followed his footsteps.



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10. Students of the College of Education, Ikere-Ekiti, on August 8 vowed to wage war against media houses, which published a story that six female students of the institution allegedly had sex with dogs for monetary reward. They threatened to burn the operational vehicles of *The Punch* and *Sketch* newspapers for publishing the news item. The story was sourced from the News Agency of Nigeria (NAN).

The Student Union President, Mr. Adebayo Owogbemi, threatened that they were ready for a big showdown with all the media concerned.

11. Mr. Ethelbert Obayi, a member of the Enugu State House of Assembly representing Nsukka West on September 19 called for the enactment of laws banning "unregistered" newspapers.

He also expressed the belief that most of the reports carried by these "unregistered" newspapers were sponsored and aimed at running down political office holders.

He said quacks that publish negative and biased reports capable of causing disaffection among the three arms of government had infiltrated the profession.

12. The governor of Anambra State Chinwoke Mbadinuju, early in October warned of dire consequences should some privately owned media continue to give air time to people to criticize his government. The governor singled out the MINAJ broadcasting group as the worst culprit.

According to him, "I want to warn MINAJ not to give airtime to opponents of state governments. I warn that if they continue they will fold up". He threatened further: "When we react, it will be an ill-wind".

Governor Mbadinuju was reacting to reporters' questions at the Governor's Lodge Amawbia-Akwa during a press conference on a recent trip to United States of America. He said he had been briefed on the activities of officials of the Onitsha Market Traders Union (OMMATU) who he accused of using the media to criticize him.

13. The government of Kano State in early November announced plans to pass a law that would punish journalists with 60 strokes of the cane publicly if they published information considered as "offensive" according to sharia law. This law, according to the State government, was expected to commence on November 26, 2000 when Kano State was to officially launch the sharia.

Under the regulation, "erring journalists are to be given 60 strokes of the cane at a public forum to be covered by the print and electronic media and witnessed by the editor of the offending journalists."

The government has, however, not officially announced the guidelines for



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implementing the regulation yet nor has it denied these reports. Other newspapers reported that an 11-member-committee had been set up "to scrutinize" the draft law prepared by the Ulamas (Muslim leaders) of Kano. Several states in the North of Nigeria during the year introduced sharia in their legislation, with clear provisions that threaten media freedom and freedom of expression.

14. The Kogi State House of Assembly on November 28 summoned the Editor or Publisher and the state correspondent of *The Comet* newspaper to the floor of the House to shed light on a story titled: *Kogi Lawmakers May Impeach Audu*, published in its edition of November 9, 2000.

The Kogi Assembly at its sitting on, November 14, deliberated extensively on the publication which the House termed "offensive" and a majority of them voted to summon those they believed to be behind the story.

Alhaji Isa Dangana, Speaker of the House said the reporter was being summoned "to shed more light on the content of the publication" which was earlier shown to the public by the Nigeria Television Authority (NTA) in the State as its major headline story on November 15.

The paper had reported in the story that the Kogi House was dusting up its file to impeach the state governor. The reporter in an interview with *Daily Times* after honouring the invitation by the House, said House members were hostile in their attitude to him during the meeting and that they "accused me of everything from being an agent of destabilization to being too arrogant."

The House was not satisfied with the physical appearance of the paper's reporter before it and ordered that "the Editor or Publisher" (as the case may be) and the state correspondent of the newspaper should again appear on the floor of the House on November 28 with the November 9 edition.

15. Agents of the Federal Capital Development Authority (FCDA) on September 26 pulled down the structures used by newspaper distributors in the Area One, Garki district of Abuja. The incident took place at about 10.00 am. Valuable items including copies of newspapers for the day were destroyed.

The secretary of Newspapers Sales Representatives, Mr. Henry Njoku said they were caught unawares as they were not notified before the demolition. He said all their pleas to the squad fell on deaf ears.

He added that they had "made frantic efforts to secure a permanent place," but that "it is disheartening that up till now, they (authorities of FCDA) keep on promising us since the military era."

16. The Oyo State Commissioner of Police, Mr. Mike Okuo on December 18 insulted a journalist for daring to ask him a question he considered unreasonable during a

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press briefing.

Mr. Okuo at his fortnightly press briefing at the headquarters of the State Police Command at Eleiyeye in Ibadan had addressed the press about the command's plan to ensure a trouble-free Yuletide.

When Mr. Bayo Sekoni representing the News Agency of Nigeria (NAN) asked him a question on why arrest had not been made of the robbers who raided Gbagi market the previous week despite the police post there, the police commissioner lost his cool and started to insult the journalist. He said: "I believe you went to school. You should be intelligent enough to know the size of Gbagi market and how do you expect five policemen in the police post at the market to check the armed bandits.

"I think one should be reasonable enough in asking questions. How can five policemen handle such a situation."

Incensed by the abuse of their colleague, all the 30 journalists present at the press conference walked out enmasse from the venue. Attempts and pleas by the State Police Public Relations Officer, Mr. Benjamin Okwara to get the journalists to return were unheeded.

17. Zamfara state government early December 2000 issued threats of action against journalists who filed "biased" reports of the State or Sharia, the Islamic legal code.' This threat was issued by the State Governor's Special Adviser on Information, Alhaji Umar Jibo Bukkuyum, while addressing newsmen in Gusau, the state capital.

Alhaji Bukkuyum, without proof, accused journalists in the state of bias against the state government and of not being fair and objective in their coverage of the activities of the state. He declared that it would henceforth be "fire for fire" for any biased report or reporter.

He warned: "Government would no longer tolerate media organisations choosing to tarnish its image and by extension that of the state, all in the name of reporting."

Bukkuyum further accused journalists of unprofessional and unethical practices, alleging that they refuse to balance stories as stipulated by the dictates of the profession before going to press.

The government's anger was reportedly in response to alleged reports in some newspapers that the state government had established a fund to procure arms in aid of the Palestinians in their battle against Israel.

### 11. Suspension/Dismissal

1. The General Manager of the Akwa Ibom State Newspapers Corporation, publishers of *The Weekly* and *Weekend Pioneer*, Mrs. Ekaette Ekpo; the Editor of

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the Weekend Pioneer, and the Marketing Manager Mr. Patrick Essien were on January 2, ordered to proceed on compulsory leave with immediate effect.

A letter to this effect signed by chairman of the board of directors of the newspaper, Mr. Nsikak Essien, said the action was to allow the barely one month old board to have access to the financial and other records of the newspaper corporation.

The letter said the board is prepared to give the corporation a face-lift and sending the three management staff on compulsory leave was the one of the major steps taken to revive the ailing media house. It regretted that 13 years after it was established the newspaper was yet to break even but still depended on the government to pay staff salaries and other entitlements.

*The Pioneer* chapel of the Nigeria Union of Journalists (NUJ), however, faulted the action describing it as illegal, unreasonable and unthinkable. A letter from the NUJ said in part: "It is our humble belief that the Nsikak Essien-led board was not acting within its constitutional powers which set it up."

The Union disclosed that it has protested vide a letter to the Governor of the State, the Secretary to the State government, head of service and the State House of Assembly on the matter.

2. Over 100 staff of Daily Times Press Limited, a subsidiary of Daily Times PLC, were in January dismissed by the company without paying the over ten months salary arrears before their appointments were terminated. The staff demonstrated on January 14, 2000, over their unfair sack by the management of Daily Times PLC.

Their termination letter, according to an affected staff did not specify remuneration to them in lieu of notice. She added that the exercise was a process to remove old experienced hands and replace them with inexperienced ones through favouritism.

The then General Manager of *Daily Times*, Mr. Yomi Oladimeji, confirmed the sack saying it was part of a reorganisation process going on in the Daily Times Group.

3. Six staff of the Ogun State Television, Abeokuta (OGTV) were on May 25 suspended indefinitely for their alleged roles in the events that led to the closure of the station on May 21.

Their suspension, which was made known in a statement signed by the Secretary to the State Government, Deacon Poju Adeyemi in Abeokuta also announced the reopening of the station. It did not disclose the names of the affected staff.

4. Messrs. Gbolahan Gbadamosi and Dickson Adeyanju, Chairman and Secretary

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respectively of *The Guardian* Chapel of the Nigeria Union of journalists (NUJ), were on August 18 sacked by the management of the newspaper ostensibly for indulging in union activities.

A statement signed by them alleged that they were ordered to leave the company's premises on the day without reason. Mr. Emeka Eluem Izeze, Managing Director of the group of newspapers had on that day evening informed the duo that the Chairman of *The Guardian*, Mr. Alex Ibru had ordered their sack.

Messrs. Gbadamosi and Adeyanju were Judicial and Religious Affairs Correspondents respectively. They led other staff of *The Guardian*, under the aegis of Amalgamated Union of Guardian Workers, a week earlier, in a peaceful demonstration to demand for improved working conditions.

The sacked workers were, however, reinstated after a strike action called by the workers with the support of the Nigeria Labour Congress (NLC) forced the management of *The Guardian* to dialogue with the workers.

5. The Ondo State Radio Vision Corporation (OSRC) Akure on September 13 suspended two of its journalists, Mrs. Nike Ogunbodede and Mr. Tolu Adebayo, for commenting on the role of a medical doctor in the State Specialist Hospital over the death of a child in their programme.

The Managing Director of the corporation, Mr. Ade Ayeni who was irked by the announcement ordered their suspension and allegedly handed them letters to the effect.

The parent of the dead child had written a petition to the State Ministry of Health pleading for investigation into the role-played by its doctor. The Ministry set up a panel to investigate the incident. But the journalists ventured their opinion on air, which earned them the sack.

## 12. Arrest

1. A team of soldiers from Arakan Cantonment in Lagos on February 4, 2000, rounded up ten journalists on inspection tour of Mobil oil facilities at the Apapa Complex. The four soldiers led by RSM E. A. Ajobiwe drove into the complex in a jeep marked NA 897149. The journalists were questioned by the RSM who told them that the area in question belonged to the Army and that Mobil had no authority inviting journalists to come and take pictures. He ordered them into the jeep to meet the commanding officer.

Mobil Oil Nigeria Plc. had invited journalists to the complex to help educate the public on the health hazard of their dwelling in the shanty around it. About 30 journalists honoured the invitation. But when the resident saw them they called on the soldiers who came and rounded up ten of them.

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### 13. Seditio Charges

1. Two journalists with the *Ebonyi Times*, Emmanuel Okike-Ogah and Ogbonaya Okorie, and a newspaper vendor, Kingsley Eze, were on March 1, arraigned at an Abakaliki Magistrate Court in Ebonyi State charged with sedition.

The two journalists were accused of "conspiracy to commit misdemeanor and publishing a seditious article in an unregistered newspaper." The newspaper vendor was charged with possession of the November 7, 1999 edition of the *Ebonyi Times*, which contained the alleged seditious publication.

The publication allegedly accused Dr. Egwu of bribing the state legislators to approve a list of Commissioners, which they did not see. The offending story was entitled: *What Is Happening In Ebonyi State?* It raised some allegation, which it expected the governor to answer. The story claimed further that the governor, spent N49 million to entertain the State's immediate past military administrator, Navy Capt. Walter Feghabo.

The arraigned men pleaded not guilty to the charges and were subsequently granted bail in the sum of N5,000.00 and a surety. The case was adjourned to March 31.

But hearing in the case could not commence on the adjourned date, as the prosecuting counsel did not show-up pleading appearance at another court.

2. Two men identified as Adeoye Jeje and Wale Oyenusi were on April 22, arrested by policemen at the International Trade Fair Complex, along Badagry Road for allegedly being in possession of seditious publications and for unlawful assembly.

The men and 149 copies of the said seditious publication entitled: *The Guerilla Invasion*, seized by the police, were taken to Festac Police Division.

The Lagos State Police Commissioner, Mr. Mike Okiro who confirmed the arrest said the men would be charged to court. The backgrounds of the men were not known.

3. Tunde Okunuga, an America-based Nigerian was on October 6 arrested in Abeokuta by agents of the State Security Service for allegedly circulating inciting documents against a Local Government Administration in Ogun State. Mr. Okunuga allegedly employed some unidentified persons to circulate the incriminating documents.

The State's SSS boss said Okunuga's intention was to cause unrest between the residents and Ikenne Local Government Area Council. The documents allegedly described the local government administration as being corrupt accusing it of involvement in stealing, fraud, forgeries, embezzlement, sabotage and

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mismanagement.

Okunuga also allegedly claimed to possess "enough facts and figures also in black and white to substantiate some cash transfer in the sum of N10 million from an account in a local bank to an account in Lagos". The document called on residents to resist the acts.

4. Two former Commissioners in Enugu State, Dr Ifeanyichukwu Nwobodo Jr. the former Science and Technology Commissioner, and Ugo-chukwu Agballah, former Commerce Commissioner, were arraigned before an Enugu High Court on November 9 on a four-count charge of conspiracy to commit a felony, sedition and publication of false news. Both Dr Nwobodo and Mr. Agballah served in the current government of Chimaroke Nnamani.

Dr Nwobodo Jr. was arraigned for allegedly conspiring with the publishers of *TheNews* magazine to commit a felony to wit: "Publication of false news with intent to cause fear and alarm to the public."

Mr. Agballah was charged along with Dr Nwobodo because they were alleged to have vowed to bring down the government of Chimaroke Nnamani which they accused of many improprieties, including the murder of Sunday Ugwu, brother of a state legislator, Nwabueze Ugwu and another person.

Sullivan Chime, special adviser to the governor on legal matters had petitioned the police over two publications in which Nwobodo allegedly accused the government of murder. Sullivan alleged that the interview and publications were meant to elicit disaffection against the governor and also cause fear and alarm in the state.

The accused pleaded not guilty to the charges and were granted bail by the presiding judge, Mr. Justice Innocent Umezuluike on self-recognition.

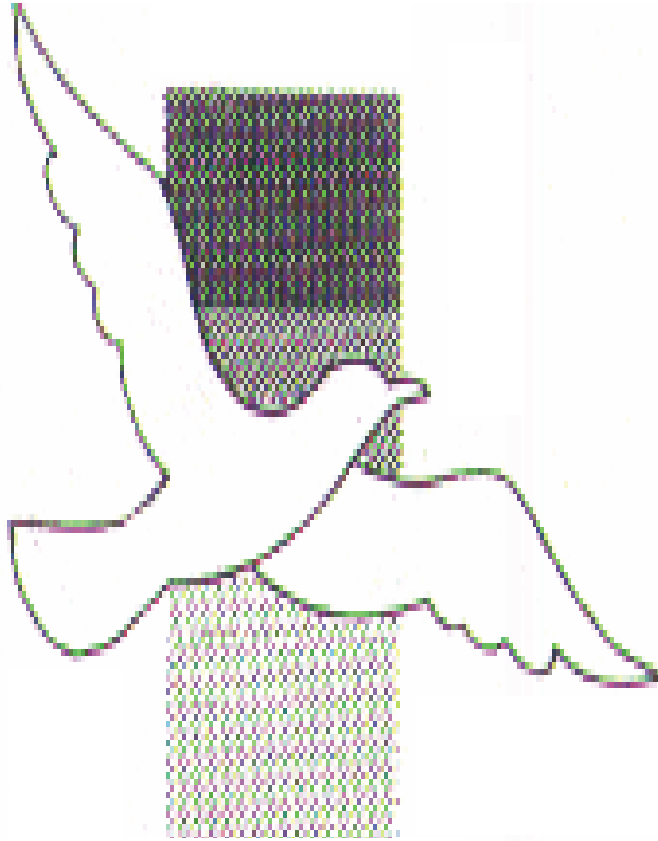
Hearing was fixed for January 15, but the judge warned Dr Nwobodo not to speak to press on the matter saying: "This case must be tried in this court and not on the pages of newspapers." If convicted, Dr Nwobodo risked spending a total of ten years in jail.

Curiously, the accused were again arraigned at the Enugu Chief Magistrate Court Two on November 15 to face fresh charges of conspiracy, illegal procession and unlawful association. The Magistrate court remanded them in detention till November 17 when they were granted bail. They were ordered to produce one surety each with two passport photographs and evidence of landed property and residence in Enugu.

At the hearing on the 17th, counsel for the accused, Chief Gani Fawehinmi, asked the court to strike out the case because they had not committed any offence.

## CHAPTER EIGHT

### ABOUT MEDIA RIGHTS AGENDA



### Media Rights Agenda in Year 2000

**M**edia Rights Agenda (MRA) is an independent, non-governmental organisation established for the purpose of promoting and protecting press freedom and freedom of expression in Nigeria. MRA is registered under part C of the Companies and Allied Matters Act, 1990 and has Observer Status with the African Commission on Human and Peoples Rights.

MRA's programmes in year 2000 fell into the following broad categories -



## **Media Rights Agenda in Year 2000**

Training, Research/Publications, Litigation, and Legislative Advocacy, although its projects in these areas often overlapped. Its specific project activities included monitoring of attacks on the press, publication of reports on media issues, legislative lobbying, organising seminars, conferences and workshops, research and litigation, particularly class actions and legal assistance to journalists who were physically attacked, arrested or detained, unjustly dismissed from their work or were harassed in other manners.

The Aims and Objectives of Media Rights Agenda are:

- a. to promote respect and recognition for press freedom and freedom of expression in Nigeria;
- b. to provide protection and support for journalists and writers engaged in the lawful pursuit of their professional duties;
- c. to promote the highest standards of professional ethics, integrity, training and conduct in the journalism profession; and
- d. to bring about a conducive social and legal atmosphere for the practice of journalism, and ensure the protection of the journalist's right not to be compelled to work against his or her conviction or disclose confidential sources of information.

### **Administrative Mechanism**

Media Rights Agenda is run on a two-tier level. These are the Executive Board, made up of seasoned professional journalists and lawyers, and Secretariat. The secretariat is headquartered in Lagos with offices in Abuja and Kaduna. It has 37 full-time and contract staff in all its offices.

### **Media Rights Agenda's Activities in Year 2000**

During the year 2000, media Rights Agenda in pursuit of the realisation of its objectives, carried out several projects. Among these were the continued publication of its journal, *Media Rights Monitor*, Litigation Project, advocacy campaign for the enactment of a Freedom of Information Law, Executive Watch, Media Law Reform project and Media For Democracy (MFD) Activities.

#### **(1) *Media Rights Monitor* Journal Project**

In year 2000, Media Rights Agenda continued its monitoring of all forms of attacks on the media and media workers. It also conducted researches on how various press laws in Nigeria as well as administrative practices relating to the media comply with constitutional provisions and international standards of free expression.

## **Media Rights Agenda in Year 2000**

MRA published 3,000 copies of the *Media Rights Monitor* journal every month until the year's end. The publications continued to document attacks on the media, while focusing on other issues relating to free speech and press freedom in and about Nigeria. The publications also highlighted developments in the areas of freedom of expression and of the press internationally which had some relevance or bearing on the situation in Nigeria.

The publications were distributed primarily to journalists in Nigeria, who are the main target. The object of this was to be able to reach them directly and influence their attitudes about human rights, especially with regard to press freedom and freedom of expression.

Copies were also distributed to other human rights organisations in Nigeria, diplomatic missions, press associations within and outside Nigeria, international human rights non-governmental organisations and government departments and agencies whose functions and activities affect the media.

### **2. Freedom of Information Advocacy**

The efforts to ensure the passage of a freedom of information law in Nigeria continued throughout the year 2000. The objective of the project was to get Nigeria's National Assembly to enact a freedom of information legislation, which will guarantee every Nigerian citizen a right of access to information and records under the control of the government or its officers and agencies in accordance with the principles that government information should be available to the public. The project is also intended to engender a culture of openness and transparency in governance.

The basis of the lobbying activities and the advocacy work is the Freedom of Information Bill, which arose from the joint efforts of Media Rights Agenda, the Civil Liberties Organization (CLO), and the Nigeria Union of Journalists (NUJ).

Media Rights Agenda made efforts to generate media support for the initiative, including visits to media houses to meet with journalists, editors and columnists to solicit support for the campaign through the publication of articles and stories on the freedom of information issue; issuing periodic press releases to highlight developments on the issue; granting of press interviews by principal officers of Media Rights Agenda on the issue; facilitating publication in the print medium of feature stories and opinion articles as well as radio and television debates and discussions on the issue; etc.

The primary purpose of these efforts were to keep the issue alive in the public domain and create a ground-swell of public opinion in favour of a regime of access to information to act as a further pressure for legislative action by the National Assembly. These efforts have been successful as the issue has caught on and frequently crops up in the course of public discussions and debates.

## Media Rights Agenda in Year 2000

During the course of the year 2000, the bill underwent its second reading at the lower House and as well got the input of the house committee on information. In anticipation of the third and final reading by the lower House and passage thereof to the Senate, Media Rights Agenda began its lobbying activities at the Senate. Progress on the Bill, however, remained stalled as at year-end due to the impasse between the National Assembly and the Executive for much of the year.

However, besides commencing its advocacy effort at the upper house, Media Rights Agenda, on September 14 and 15, held a stakeholders meeting to evaluate the progress made so far, update stakeholders and, accordingly, get fresh suggestions and mandate on how to move forward. The meeting was attended by 42 participants representing various interest groups, including human rights Non-Governmental Organisations (NGOs), Civil Society Organisations (CSOs), the media, the legal profession, international organisations and agencies, academic institutions, government institutions and agencies, Labour and the National Assembly. The International Human Rights Law Group funded the workshops.

Specifically, the objective of the stakeholders meeting was to identify various stakeholders in a Freedom of Information regime, demonstrate how various sectors of the society, including government institutions and agencies, will benefit from a Freedom of Information legislation, and agree on how various stakeholders can support the campaign for the enactment of the Bill into law.

At the meeting, stakeholders reaffirmed their support for the Freedom of Information Bill and particularly expressed the belief that the democratic process would benefit from the Freedom of Information Act (if the Bill is eventually passed into law) due to the promotion of openness, probity and accountability in governance.

Professor Jerry Gana, Minister of Information and National Orientation, who declared the meeting opened conceded that: "No state, especially in a democratic state, can achieve any meaningful development if the citizens do not have access to information about matters that affect their everyday life. It is, indeed, fundamental in any democratic governance." He, therefore, pledged the Federal Governments support for the Freedom of Information Bill.

The meeting, after due deliberations, agreed to set up a Civil Society Coalition in support of the Bill. The Coalition will be made up of representatives of all stakeholders who will articulate views reached and hold discussions with identified target groups which have the potential of swaying the decision of members of the House of Representatives, Senate and Executive, positively.

In evolving a common agenda for stakeholders, participants identified groups, which would play critical roles at the pre-enactment stage. These

include the Nigeria Bar Association (NBA), Academic Staff Union of Universities (ASUU), the National Association of Nigerian Students (NANS), Women Groups, the Business Community, Civil Society, the NUJ, the Nigerian Guild

## Media Rights Agenda in Year 2000

of Editors (NGE), Newspaper Proprietors Association of Nigeria (NPAN), Labour, religious leaders and the Media. The meeting also deliberated on the required strategies to get the attention of the identified constituencies and make them work towards the goal of convincing the National Assembly as well as the Executive arm of government to see the benefit of the Freedom of Information Bill.

In the course of the discussions, there was a consensus among the stakeholders on the need for concerted efforts to achieve the desired objective of getting the House of Representatives to pass the Bill in the immediate future.

Anxieties were expressed over the progress of the Bill at its most crucial stage in the House. It was, therefore, suggested that the House be seriously engaged to avoid dissipating energy in the pursuit of mundane things instead of focusing its attention on passing the Bill. To this end, participants emphasized the need to generate more public support to move the Bill beyond the stage where it will be stuck at the House of Representatives due to unnecessary delays occasioned by adjournments.

Participants also agreed that since the FOI Bill was consistent with the openness required of a democratic system, efforts should be made to take advantage of the current mood of the government of the day, which incidentally professes its commitment to transparency and accountability in governance, to ensure a smooth passage of the Bill.

Prior to the stakeholders' meeting, MRA organised a three-day Advocacy Seminar for civil society groups. The primary purpose of the seminar was to improve the capacity of civil society organizations to use the legislative process in ensuring that the Bill is passed by both Houses of the National Assembly and assented to by the President as required by the Constitution. The seminar was attended by 31 persons.

In addition to the stakeholders' meetings, there were a series of activities which include a massive awareness campaign programme in Nigeria aimed at ensuring a deep understanding and appreciation of the relevance of the Freedom of Information Act among diverse people and groups across the country so as to bring pressure to bear upon members of the National Assembly to pass the Freedom of Information Bill into law.

This include the use of mass media campaign through a massive syndication of opinion articles, features articles, letters to the editor and interviews. In addition, during the month of August, Media Rights Agenda began a nation-wide distribution of the campaign materials, such as posters, flyers and stickers, produced under the project, aimed at creating awareness and soliciting public support for the Freedom of Information Bill.

MRA printed 30,000 coloured posters, 50,000 flyers, and 4,000 copies each of three different coloured stickers.

The distribution and dissemination of the campaign materials were concentrated

## Media Rights Agenda in Year 2000

in major cities across all parts of Nigeria.

### 3. Executive Watch

Executive Watch is a project of Media Rights Agenda, which began in 1999 soon after the installation of the present Nigerian democratic government. Under the project, MRA monitors the activities and policies of the Executive arm of Government, particularly the Presidency, to ascertain the popularity such activities and policies enjoy among a wide spectrum of Nigerians. Generally, the project seeks to act as a feed back to President Obasanjo on what the populace, cutting across all sections of the society, feel about his policies and decisions, and also their reaction to his statements on crucial state matters.

Like in the previous year, the monitoring exercise in year 2000 was carried out on a monthly basis and involved identification of some major policy decisions, comments and actions of the Executive, particularly President Obasanjo, during the preceding months. It involved the administration of structured questionnaires of different number of questions on respondents aged 18 years and above, both male and female.

The sample is usually made up of three sub-groups of persons which, include people with non-formal education /those who attained primary school level, post-primary school level, and post-secondary school level. These three sub-groups are represented in the sample in varying ratio. The sub-group of non-formal education/primary school level is usually assisted by MRA's researchers to read and interpret the questions and elect appropriate options according to the preferences of the respondents concerned.

In the course of last year, the research focused on twelve issues. These include: the insistence of the Presidency

on pushing ahead a fuel price rise, Poverty alleviation Programme (PAP), the Federal Government handling of the sharia crisis, the contentious Sovereign National Conference Vs. National Conference, one year of President Obasanjo's government and government's pardon for Alhaji Salisu Buhari. Others are the minimum wage crisis, the controversy over probe of government officials, ultimatum to oil producing states over pipelines vandalisation, Transparency International rating of Nigeria as most corrupt nation, allegations of monetary inducement to impeach Speaker of the House of Representatives and the Justice Chukwudife Oputa Panel investigating human rights abuses.

Respondents in the surveys were limited to the Lagos area. But MRA plans to broadened the spread of respondents in future to include persons from all other states of the federation including the Federal Capital Territory, Abuja.

## **Media Rights Agenda in Year 2000**

### **(4) Litigation Project**

Under this project, which began in April 1999, Media Rights Agenda, worked with ARTICLE 19 (the Global Centre for Free Expression, in London) to undertake a programme of litigation for the purpose of promoting and protecting media freedom in Nigeria.

The Litigation Project had two components: The first component was made up of legal aid cases under which Media Rights Agenda provided legal assistance and support for journalists who were arrested and detained, unfairly dismissed from their work, harassed and intimidated or whose fundamental rights were violated in some other way. Also, journalists who were unfairly accused of criminal offences or subjected to oppressive criminal proceedings as a result of their professional duties were as well represented. The objective was to create the requisite confidence in them to enable them perform their functions without undue self-censorship.

The second component was made up of public interest cases under which MRA litigated on broad freedom of expression issues aimed at expanding the frontiers of media freedom through the judicial process as a corollary to the programme of legislative advocacy for the reform of media laws in Nigeria. Media Rights Agenda litigated on such press freedom and freedom of expression issues so as to bring about a corpus of favourable judicial pronouncements which would create an enabling legal environment for the practice of journalism in Nigeria.

While the litigation was carried out by lawyers employed or assigned by Media Rights Agenda, ARTICLE 19, through its Law Programme, provided legal resource for the cases, especially the class actions, by identifying relevant case law from other jurisdictions and bringing these to the attention of Media Rights Agenda. ARTICLE 19's Law Programme also provided legal opinion and advice on some of the cases. Some of the cases and issues, which were litigated, were also selected in consultation with ARTICLE 19.

#### **a) Legal Aid Cases**

Sixty-five journalists were beneficiaries of the legal assistance component of the project in year 2000. Out of this number, 60 journalists had civil cases filed on their behalf, while four had Legal Officers from Media Rights Agenda represent them and defend them in oppressive criminal cases filed against them.

In yet another case, Media Rights Agenda defended a journalist who had an oppressive action for damages in a sedition suit filed against him. However, in the civil cases initiated by Media Rights Agenda under the project, some of them had multiple Plaintiffs, where the cases of the affected journalists involve similar issues. In the other cases, Media Rights Agenda has been involved in securing bail for



## Media Rights Agenda in Year 2000

journalists who were detained and charged with libelous offences.

One of the civil cases has been pursued to logical conclusion with the defendant opting for an out of court settlement.

Similarly, in one of the cases began in 1999, the defendant, Diet Communications Limited, publishers of *The Diet* newspapers, during the course of the year 2000, opted for an out of court settlement and paid off the salaries arrears owed its workers including journalists.

### b) Public Interest Cases

Media Rights Agenda filed several cases under this component of the project. The cases deal with a broad range of issues, including access to information, the regulation of the press, taxation on newspapers and magazines through the introduction of a regime of value added tax, and regulation of broadcasting.

The broad objective of these cases is to seek judicial decisions regarding constitutional provisions, decrees and other laws, which violate international standards of freedom of expression, including media freedom.

In one of the cases aimed at promoting access to official information, Media Rights Agenda is seeking, among other things, a declaration that the Code of Conduct Bureau's refusal to afford Media Rights Agenda access to the assets declarations made by certain public officers is unconstitutional and asking the court to compel the Bureau to allow MRA to inspect copies of assets declarations submitted to the Bureau.

In another case, Media Rights Agenda is seeking a declaration that certain provisions of Decree No. 60 of 1999 are unconstitutional, null and void as they violate Section 39 of the 1999 Constitution and Article 9 of the African Charter on Human and Peoples' Rights and an order of perpetual injunction restraining the Federal Government and the Nigeria Press Council from giving effect to the provisions of the Decree.

In a third case instituted against the National Broadcasting Commission, Media Rights Agenda is seeking judicial intervention to clarify the conflicting provisions of the National Broadcasting Commission (Amendment) Decree No 55 of 1999 and the 1999 Constitution as it relates to the collection of license fees for television and radio sets.

In its fourth suit under this component of the project, Media Rights Agenda is challenging the legality and propriety of the fiscal policy introduced by the Government of General Abubakar early in 1999 in which it imposed the payment of Value Added Tax (VAT) on newspapers and magazines. The government measure, which is being implemented by the Government of President Obasanjo, is being challenged as a violation of section 39(1) of the 1999 Constitution and Articles 9(1) and 17(1) of the



## Media Rights Agenda in Year 2000

African Charter on Human and Peoples Rights.

In another action filed by Media Rights Agenda under this aspect of the project in 1999, Media Rights Agenda is asking the court to determine whether the right to receive and impart ideas and information without interference guaranteed by section 39(1) of the 1999 Constitution implies a right to information held by the government or any of its agencies. And if the answer is in the affirmative, whether the provisions of the Official Secrets Act of 1962, in so far as it restricts the exercise of the right of access to public information, is not inconsistent with the provisions of section 39(1) of the 1999 Constitution.

Among the prayers sought is a declaration that the provisions of the Official Secrets Act of 1962, in so far as they prevent members of the public from enjoying a right of access to information held by the government and or any of its agencies, are inconsistent with the 1999 Constitution and are consequently null, void and of no effect.

Similarly, Media Rights Agenda during the course of the year challenged the Federal Government in court for its failure to abide by the provisions setting up several of its media organisations and media regulatory agencies. These include the Acts setting up the Nigerian Communication Commission (NCC), Nigerian Television Authority (NTA), Voice of Nigeria (VON), News Agency of Nigeria (NAN), National Broadcasting Commission (NBC) and the Federal Radio Corporation of Nigeria (FRCN).

MRA contended in the suits that contrary to the various Acts setting up the agencies, the various government-owned media organisations and regulatory agencies were being run by Directors-General without input of properly constituted governing boards as provided for in the enabling legislation.

The enabling legislation required that boards of directors should be constituted for each of the government media organisations or media regulatory agencies. The Acts provide that such boards should consist of a convergence of certain persons, who are collectively vested with corporate personality by law.

The Federal High Court in Abuja in May granted MRA leave in five of the suits to apply for mandatory orders to compel the Government to constitute the governing boards of the NBC and the media establishments.

But towards year end when the Federal Government finally succumbed to pressure and complied with the various enabling Acts. On November 10, 2000, it announced the constitution of the boards of 137 parastatals including those of media organisations and media regulatory agencies that MRA had suit it for. Consequently, MRA discontinued the cases in court.

## Media Rights Agenda in Year 2000

### 5. Media Law Reform

In the 15 years of military rule preceding the recent enthronement of democratic rule in Nigeria, the promulgation of obnoxious decrees was one of the main tools used by the successive governments to control the media.

Although a democratically elected government had been installed in Nigeria since May 1999, the media still operate under virtually the same legal framework, which existed during the years of military rule and is thus subject to nearly the same legal disabilities of that period.

For this reason, laws, which affect the media, are scattered across the statute books in a manner that defies logical analysis. Some of these laws either duplicate each other or overlap. In some instances, the laws contradict each other.

Secondly, the laws affecting the media in Nigeria, both at common law and under statutes, fall below international standards for the protection of the media in many respects. These, therefore, make it an imperative need to harmonize Nigerian media laws in a single document to make them more easily accessible and more coherent, and bring them into conformity with international standards on free expression and the protection of media freedom.

To this end, MRA in year 2000 began a process of media law reform in Nigeria aimed at harmonizing the numerous media laws in the statute books and bringing them into conformity with international standards for the protection of media freedom and freedom of expression.

In October at Abuja, it held two international workshops comprising representatives of various sectors of the media industry, meeting with non-media practitioner stakeholders to discuss the text of two draft media Bills and agree on a framework for achieving reform.

Specifically, the objectives of the exercise include:

- \* To assess the current legal and institutional framework for the operation, control and regulation of the media in Nigeria and agree on areas in need of reform in accordance with international standards for the protection of media freedom.
- \* To raise the profile of the issue of the reform of media law in Nigeria within the present democratic dispensation as well as broaden the constituency for such reform by sensitizing relevant sectors of Nigerian civil society, public functionaries and institutions about the inadequacies of the institutional and legal framework which presently governs the media.
- \* To agree on the text of draft media laws, in accordance with minimum standards for the protection of media freedom, which seeks to harmonize in one document all laws affecting the media and which will form the basis of a programme of legislative advocacy for reform of media law in Nigeria.

The need for a comprehensive review of Nigerian media law was first raised in

## Media Rights Agenda in Year 2000

July 1997, when MRA, working with Article 19, the Global Campaign for Freedom of Expression, based in London, published a report on the state of the media in Nigeria. Entitled "Unshackling the Nigerian Media: an Agenda for Reform", the report demonstrated the inadequacies of the institutional and legal framework within which the media operates, and how these inadequacies have allowed for and legitimized violations of media freedom.

As a follow up to this, in March 1999, again working with ARTICLE 19 and the National Human Rights Commission, MRA organized a workshop on media law reform at Ota in Ogun State to initiate the process of the media law reform in Nigeria.

At the end of that workshop, which was attended by 61 participants, representing the public and private media, relevant government departments and agencies, the legal profession, local and international human rights organizations, including the United Nations Special Rapporteur on Freedom of Opinion and Expression, Dr. Abid Hussain, as well as other stake holders, a consensus document tagged: The Ota Platform of Action on Media Law Reform in Nigeria, emerged.

One of the key features of the Ota Platform of Action was a consensus that a programme of legislative reform should be pursued through a combination of litigation and legislative advocacy. The litigation programme had been on the way and had achieved modest successes, which will provide the necessary impetus for the programme of legislative advocacy.

One of the technical workshops on Media Law Reform held on October 19 to 21, in Abuja where participants discussed a draft Nigerian Broadcasting Bill proposed by it, which it intends would govern the operations of the broadcast media.

In considering the draft Broadcasting Bill, participants discussed issues such as the regulatory framework for the broadcast media, focusing on the independence of the National Broadcasting Commission, oversight responsibilities for the Commission, the licencing process and powers to grant licences; the State-owned Media, focusing on the regulatory authority, editorial independence, oversight responsibilities and licencing process.

The meeting also considered private broadcast stations, focusing on the licencing process and conditions for licencing, programme content, sourcing and development, prospects for growth and survival; and then community broadcasting.

A week after the first workshop, on October 26 to 28, MRA organized another technical workshop, also in Abuja, where the participants discussed a draft Nigerian Press Bill also proposed by MRA, to regulate the print media.

In considering the draft Press Bill, the participants discussed issues such as the imposition of criminal sanctions for published information and violation of code of professional standards or the press law, focusing on criminal defamation, seditious publication, publication of false news, obscene publication, incitement, invasion of

## **Media Rights Agenda in Year 2000**

privacy, copyright violations, contempt of court, and other content related offences.

Participants also discussed pre-publication rights such as access to information, prior restraint/judicial injunctions, access to judicial proceedings, access to parliamentary proceedings, and editorial independence, as well as post publication rights and responsibilities such as protection of sources, civil defamation, and the right of reply.

The participants also discussed the regulatory framework for the Nigerian media, focusing on independence of the Nigerian Press Council, oversight responsibilities, powers of the Press Council, registration of journalists as well as registration of newspapers and magazines.

They also debated media ownership, including conditions for establishment of media organs, promoting diversity, and media monopolies/cross-ownership.

Participants at the workshop on the press law further suggested that rather than have two laws one each to govern the print and broadcast media, there should be a single law on the media in Nigeria which may be known as the Nigerian Media Act.

At the end of both workshops, it was agreed that MRA should produce a second draft of the Nigerian Media Bill to reflect the proposals and agreements reached.

Following the production of the second draft, MRA will embark on a process of further consultations on the text of the second draft of the Nigerian Media Bill by seeking further inputs and comments from stakeholders.

This it will do by organizing another consultative forum in the form of stakeholders meeting to review and consider the revised draft, after which MRA will produce a final draft Bill to be subsequently submitted to the National Assembly for consideration and passage.

### **6. Media For Democracy Activities**

The International Federation of Journalists (IFJ) during the year 2000 continued its Media-for-Democracy project in Nigeria. The project, which began in 1999, is aimed at fostering independent journalism, promote human rights and develop democratic principles. It is supported by the European Initiative for Democracy and Human Rights.

The MFD project is being coordinated under a coalition of four media freedom and freedom of expression NGOs. These include Media Rights Agenda, Journalists for Democratic Rights, Independent Journalism Centre and International Press Centre, the latter being a product of the MFD activities. The center monitors attacks on press freedom and conducts seminars on media policy for journalists.

MFD project is a concerted, comprehensive and long-term program that helps

## **Media Rights Agenda in Year 2000**

form a media strategy on the role of independent journalism in promoting human rights and developing democratic values. It helps to build awareness of human rights issues among journalists and policy-makers to strengthen public confidence on the role of media in democracy and to improve conditions for independence and professionalism in journalism.

During the year 2000, Media Rights Agenda, as a component of the MFD project, was actively involved, especially in the area of providing expert resources, in facilitating several training workshops for Nigerian journalists and stakeholders mainly in the area of journalism ethics, reporting conflict and issues of access to publicly held information.

The workshops provided documents including proposals on how to strengthen and popularise the existing national code of journalism ethics, secure the independence and effectiveness of the Nigerian press Council (NPC), and a tripartite agenda for the journalist, media organisations and the government on how to ensure a more constructive media reportage of conflict.

Similarly, the workshops also provided a comprehensive plan of action and modalities for the lobbying activities aimed at ensuring the passage of the Freedom of Information Bill.



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- d. to bring about a conducive social and legal atmosphere for the practice of journalism, and ensure the protection of the journalist's right not to be compelled to work against his or her conviction or disclose confidential sources of information.

#### **Executive Committee**

**Edetaen Ojo**, Executive Director  
**Tunde Fagbohunlu**, Director of Legal Services  
**Morenike Ransome-Kuti**, Director of Research  
**Austin Agbonsuremi**, Director of Publications  
**Eze Anaba**, Director of Projects  
**Tive Denedo**, Director of Campaigns  
**Josephine Izuagie**, Treasurer  
**Anselm Chidi Odinkalu**, Member

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#### **Secretariat**

**Edetaen Ojo**, Executive Director  
**Osaro Odemwingie**, Publications Officer  
**Maxwell Kadiri**, Legal Officer  
**Ayode Longe**, Programme Officer  
**Ademoyewa Johnson**, Campaign Officer  
**Joy Kadiri**, Accountant  
**Oluwabunmi Oke**, Secretary  
**Mercy Jones Epete**, Secretary/Receptionist  
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