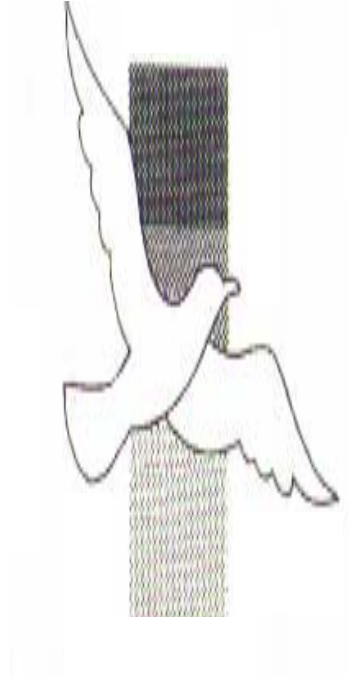


A Harvest Of Blooms



Media Rights Agenda

**1999 Annual Report On The State
Of The Media In Nigeria**

A Harvest Of Blooms

A Report on the State of the Media in Nigeria in 1999



© **Media Rights Agenda**

January 2000

ISSN 1119 - 7102

First Published in January 2000 by:

**Media Rights Agenda (MRA)
10, Agboola Aina Street
Off Amore Street
Off Toyin Street
Ikeja
P. O. Box 52113
Ikoyi
Lagos, Nigeria.
Tel: 234-1-4936033, 234-1-4936034
Fax: 243-1-4930831
E-mail: mra@mediarightsagenda.org
pubs@mediarightsagenda.org**

Copyright: Media Rights Agenda

**Cover concept by:
OSARO ODEMWINGIE**

ACKNOWLEDGMENTS

Knowledge is like an Iroko tree. No one man can hope to achieve a ringed-embrace of it. Media Rights Agenda (MRA) is, therefore, deeply indebted to individuals and organizations that contributed to the writing and publication of this report.

The report was researched and written by **Osaro Odemwingie**, MRA's Publications Officer. He was assisted in the research by **Ayodele Longe**, a Programme Officer at MRA and with contributions from **Eze Anaba**, Director of Projects and **Maxwell Kadiri**, a Legal Officer at MRA. The report was edited by MRA's Executive Director, **Edetaen Ojo**.

MRA is also grateful to **Bunmi Oke** for providing secretarial services for the report and typesetting the manuscript.

Foreword

As any year draws to a close, human beings look over the shoulders of the receding year to the memories of its dawn. They recollect what heralded the year, what promises the year bore on birth and, what fears it held.

They desire, if the metaphor of accountants may be borrowed, to undertake an audit of events of the dying year, to decide whether it had been a year of full-throated laughter or heart-wrenching tears.

It is a practice undertaken with devotion and steadfastness matching religious fervor. The retrospecting quite often lacks, almost as a rule, the cold detachment and scientific incisiveness of routine historical chronicling. It is indeed both less and more than this. It is less because, as a matter of reflexively observed ritual, it bears the burden of the wear and tear of time.

But again, it is a species of spiritual scanning that makes no pretensions to the often material and mundane bases of historical recording. The collective sensibility and the communal conscience of the people are also involved in recalling and interpreting things.

You will find in the following pages a certain spontaneity of spiritual responses and unanimity of verdict on the phenomena, persons and events that shaped the Nigerian media in the passing year that pure history can rarely hope to attain.

Beside the analysis of events, issues and persons that shaped the Nigerian media in 1999, there is the traditional recording of attacks on the media during the year under review.

Statistically, it would appear as you read through this report that the Nigerian media which suffered a total of 147 attacks in 1999, had a worse experience compared to the previous year of 1998 when it recorded 55 incidents of attacks.

Indeed, that is not quite true. Attacks on the press were more in 1998 than in 1999 both in sheer number, impunity and attendant brutality. As we noted somewhere in this report, in 1999 the atmosphere had not only relaxed to permit inquiry into such attacks, most victims felt free because of the halt in media siege to report incidents of attacks. Also, Media Rights Agenda's monitoring mechanism improved quite significantly during the year to permit more access to such occurrences, unlike in 1998, as was in previous years under the military, when most attacks on journalists were unreported nor could they be investigated. This was due mainly to the fact that most of those attacks bore imprint of official complicity, and experience had sufficiently showed that those attacks when reported were never investigated and persistent agitation in this regard exposed the victim to further reprisals.

Indeed, 1999 faithfully maintained the keel and volume of trauma for the Nigerian media which it promised at infancy.

After what seemed an endless spell of military siege ending with a stroke of divine intervention when General Abacha died, in mid 1998, Nigeria and the Nigerian media ended the year under a benign military dictatorship headed by General Abdulsalami Abubakar.

Still on that note, the Nigerian media entered 1999 and as it came to a close, it did with a realization of the hope expressed in our annual report for 1998, a civil democratic rule in place and a tapestry of cheers and gladness in the annals of media history in Nigeria.

Edetaen Ojo
Executive Director
Media Rights Agenda
January 2000

CONTENT

Acknowledgement.....	i
Forward.....	ii
CHAPTER ONE	
General Overview / Background.....	1
A Harvest Of Blooms.....	1
The Nigerian Media And The 1999 Constitution.....	5
The Nigerian Media And The National Telecom. Policy.....	7
CHAPTER TWO	
The Print Medium In 1999.....	10
Of Bees And Honey Comb.....	10
- General Environment.....	10
- Legal Environment.....	16
CHAPTER THREE	
The Broadcast Medium In 1999.....	22
Rainbow In The Air.....	22
- General Environment.....	22
- Legal Environment.....	25
CHAPTER FOUR	
Attacks On The Press In 1999.....	34
Blood And Black Eye.....	34
CHAPTER FIVE	
About Media Rights Agenda In 1999.....	87
Moses Of These Shores.....	87

CHAPTER ONE

GENERAL OVERVIEW/BACKGROUND

A Harvest of Blooms

The Nigerian media in 1999, the year in which it celebrated its 140th anniversary, operated in an atmosphere largely devoid of politically motivated censorship in the manners which characterised the last several years. Neither the military government of General Abdulsalami Abubakar, which was in power up till May 29 when it handed over office to a democratically elected civilian government of President Olusegun Obasanjo, nor its successor, was known to have made blatant attempts at censoring the media as obtained in the previous military regimes of General Muhammed Buhari, General Ibrahim Babangida and the lately more draconian, General Sani Abacha.

The genesis of media censorship and human rights violations in Nigeria can be traced to the Generals Buhari/Idiagbon administration, when the obnoxious Public Officers (Protection Against False Accusation) Decree 4 of 1984 was enacted. Two journalists, Tunde Thompson and Nduka Irabor, were first to fall victim. The eventual ouster of Buhari/Idiagbon administration by Ibrahim Babangida further escalated the degree of abuses against the media, when Babangida's pretended altruism began to give way to a hidden agenda and media inquisition became focussed on emerging societal ills.

On October 19, 1986, celebrated journalist, Dele Giwa, founding Editor-in-Chief of Newswatch magazine, had his body shattered through a letter bomb. Soon after that, Newswatch was proscribed in 1987 by the same Babangida regime, followed by sundry arrests, intimidations, harassment and detention of journalists, while proscription of media houses became the order of the day.

The Abacha's regime went a mile further in its dealing with the press. Journalists were to experience trumped-up criminal allegations of treason. The new dimension in media censorship was added when four journalists, Kunle Ajibade of The NEWS, George Mbah of TELL magazine, Chris Anyanwu, Publisher of the defunct The Sunday Magazine (TSM) and Charles Obi of the also defunct Weekend Classique were arrested and charged with an offence of being accessories after the fact of treason, unfairly tried and sentenced to various prison terms. The trio of Ray Ekpu, Dan Agbese, Yakubu Muhammed from Newswatch magazine and several other journalists experienced one form of human rights abuse or the other under Abacha's regime.

Other forms of anti-press activities under the Abacha regime include confiscation of newspapers and magazines, disruption of printing and distribution, publication of false editions of some magazine, withholding of official advertisement and promulgation of anti-press decrees. Some journalists were believed to have been abducted and are yet to be accounted for as at the end of the year 1999. Two of the well publicised cases are Bagauda Kaltho of The NEWS /TEMPO magazines and Chinedu Offoaro of The Guardian newspapers both of whom have remained unaccounted for.

The death of General Abacha in June 1998 and the assumption of office by General Abubakar saw a new and positive vista being opened for government-media relations. Several journalists unjustly jailed by the General Abacha's regime were released by General Abubakar in 1998.

Chief John Nwodo (Jnr.) who continued as Information Minister in 1999 up-till the handing over by the military to civilian on May 29, continued to stress the critical role of the media in the collective and intricate process of nation building. He continued to underscore

the imperative for a mutually rewarding and positive government-media relations as a means of furthering the frontiers of social harmony, understanding and declared commitment of the military to hand over power.

The General Abubakar regime continued into 1999 with its policy of rapprochement, which it started in 1998 with the release of several journalist unjustly jailed. On March 4, the government released Mr. Niran Malaolu, then Editor of the now defunct The Diet newspaper. Mr. Malaolu was jailed in February 1998 along with some military officers, retired and serving, and other civilians on charges of “concealment of treason” of an alleged coup the late General Abacha’s regime claimed that it uncovered in December 1997. The facts of the charges against Mr. Malaolu remains mysterious as neither the tribunal, headed by General Victor Malu, now the Chief of Army Staff, nor the Government could substantiate nor justify them.

President Obasanjo, who took over government from General Abubakar on May 29, 1999, continued largely with the same attitude. There was, therefore, in large measure, an unaffected freedom for the practice of journalism in Nigeria during the year 1999.

By an unspoken reciprocal act, the media on its part during the year 1999, redoubled its efforts at ensuring the injection of accountability into the electoral process which welcomed the year and the civilian governance that emerge from the process. This was in addition to the role it played generally at ensuring a harmonious relationship between the governments and the governed based on the principle of truth, justice and fair play.

For the Nigerian media, 1999 could well be divided into two parts, as in 1998. In 1998, the first period covers January to June when the late Head of State, General Sani Abacha, held sway while the second part covers the period that General Abubakar occupied the position.

But for 1999, the first part refers to January through May when General Abubakar continued in power with a continuation of the freedom earlier granted the media upon his assumption of office in 1998. The second part refers to June to December when President Obasanjo held power as the head of a civilian democratic government. The whole period was characterised by media freedom as in the latter part of 1998.

Thus while the two distinct periods of media environment in 1998 would enable the year to be christened one of pain and pleasure for the media, the differences between the two periods identifiable in 1999 media year, is akin to that between six and half a dozen. In essence, the new vista, which opened for the media on June 8, 1998, with the death of General Abacha, continued into and was sustained throughout the year 1999.

However, the media did not escape the jungle of the General Abdulsalami regime without crosses to bear. His acts of good faith were soiled by several other policies. First, in January, newspapers and magazines were brought under the Value Added Tax (VAT) regime, contrary to the treatment of the items as educational materials in other countries and as recognised by world bodies and international organisations.

Three days before it quit power, the regime repealed the Newspapers Decree No. 43 of 1993, which had established a Newspapers Registration Board vested with power to register newspapers and magazines and deny them renewal where adjudged to have performed below expectation, as well as register and de-list any journalists deemed to have erred in the performance of his duty.

But on the same day, General Abubakar promulgated an amendment to the Nigeria Press Council (NPC) Decree No. 85 of 1992. By the amendment known as the Nigerian Press Council (Amendment) Decree No. 60 of 1999, General Abubakar, in a manner suggestive of taking away with the left hand what had been given with the right, sought to surreptitiously pass on the provisions of the repealed Decree No. 43 of 1993 to the NPC. The amended decree also provided for heavy sanctions on the proprietors and publishers of

newspapers and magazines which failed to register in accordance with the provisions of the Decree.

Similarly, the regime on the same date promulgated Decree No. 55 of 1999 as an amendment to the National Broadcasting Commission (NBC) Decree No. 38 of 1992. The new decree known as NBC (Amendment) Decree No. 55 of 1999, was aimed at addressing the issue of collection of radio and television licence fees. It now vests the collection of these fees on the NBC. But this created a problem as the 1999 Constitution gives the same powers to local government councils. The issue of how these fees collected should be disbursed to the broadcasting houses, which ought to have been the point of focus, was unaddressed. The attendant impression this leaves is one of a government either lacking the will to do the right thing or just groping in the dark.

Also, in spite of General Abubakar's promise to respect press freedom, there were still instances of attacks on the press during his five months stay in power in 1999, which were perpetrated by state security personnel, government officials, at both the federal and states levels, which were not investigated censured.

In much the same way that General Abubakar did not censure those attacks, President Obasanjo who took over from him did not on his part make any special commitment to press freedom for the period that he held office in 1999. It was a case of business as usual. Indeed, much against expectations of media practitioners and stakeholders in the industry. All had hoped that despite the anti-media posture of the President during his first time in office as a military Head of State, there was going to be a reversal of attitude especially going by the media support and sustained campaign for him during his unjust incarceration by the late General Abacha. The Obasanjo's government in a manner suggestive of playing deaf to wise counsel, soon after taking office, began moves at reconstituting the NPC.

This is in spite of oppositions to the NPC decree mounted by the Nigeria Union of Journalists (NUJ), the Newspapers Proprietors Association of Nigeria (NPAN), the Nigerian Guild of Editors (NGE), Media Rights Agenda (MRA), and ARTICLE 19 - the London-based International Centre Against Censorship etc. The groups variously described the NPC with its powers as a disguised instrument of censorship and unacceptable interference with freedom of the press. In addition, the Incorporated Trustees of MRA and Osaro Odemwingie a publications officer at Media Rights Agenda, went to court contending that the decree violates the right to freedom of expression guaranteed by Section 39 of the 1999 constitution and Article 19 of the African Commission on Human and People's Rights.

During the year 1999, there were a total of 147 recorded attacks on the media. This involved a total of no less than 78 individual journalists and media workers including at least 15 vendors. It was impossible to get the exact figures of individual journalists, and media workers who suffered attacks for carrying out their professional duty because at sometime several journalists suffered an attack. In the same vain, it was not possible to determined the exact number of individual vendors attacked variously by security agents for selling some publications, which such security agents regarded as illegal for whatever reason. In addition to this, there were three persons who were not journalists but attacked for their relationship with journalists at the time of attack.

Out of the total of 147 attacks on journalists during the year 1999, six resulted in death, six attacks resulted in bodily harm and five others led to damage or loss of property. Eleven other recorded incidents of assaults mercifully did not result in bodily harm nor damage to or loss of property. There were also no less than 25 cases of arrest and detention of journalists and media workers by security agents. Twenty-four journalists and 15 media workers and vendors were victims.

There were also at least 12 instances of attacks on the media in the form of denial of rights and privileges such as default in salary payment and denial of other benefits. Over

three thousand journalists and media workers suffered such attacks on basis of an estimated individual head count.

Also, there were no less than 38 instances of attacks which took the form of threat to life, operation and general intimidation, directed at journalists and media groups by individuals, groups and government officials during the year 1999. Attacks on the press by way of seizure of publications, equipment and closure of media organisations, occurred 11 times.

Though subtle, but quite disturbing, another form of attack on the press in 1999 was the denial of journalists access to information and summons by various legislative houses across the country including the national assembly. There were no less than 14 such incidents perpetrated during the year 1999.

Statistically, it would appear that the Nigerian media which suffered a total of 147 attacks in 1999, had a worse experience compared to the previous year of 1998 when it recorded 55 incidents of attacks.

Indeed, attacks on the press were by no means more in 1998 than in 1999 both in sheer numbers, impunity and attendant brutality. It is significant to note that in 1999, the atmosphere had not only relaxed to permit inquiry into such attacks, most victims felt free because of the halt in media siege to report incidents of attacks. Also, Media Rights Agenda's monitoring mechanism improved quite significantly during the year to permit more access to such occurrences.

But in 1998, as was in previous years under the military, most attacks on journalists were unreported nor could they be investigated. This was due mainly to the fact that most of those attacks bore imprint of official complicity, and experience had sufficiently showed that those attacks when reported were never investigated and persistent agitation in this regard exposed the victim to further reprisals.

A cursory examination of the pattern of the attacks on the media in 1999, showed that most of them were in the area of denials of access to information, verbal threat to life and operation, and denials of rights and privileges such as failure in meeting up with salaries obligations. The latter is a clear attribute of the suffocating media and general economic environments perpetrated by former military dictatorships as part of a grand design to censure the press and weaken the media in Nigeria and generally hold the country hostage.

Another significant aspect in the attempts to censor the media in 1999, is the increasing resort to legal channels by aggrieved persons and institutions to seek redress for publications deemed libelous. While this is an encouraging sign of respect for the rule of law and obviously in the spirit of democracy prevailing in Nigeria, there is, unfortunately, a subtle and an inherent systematic threat to press freedom embedded in most of the libel suits by purportedly aggrieved persons.

Many of these suits were by senior military officers and highly placed public officers. There was also a pattern of multi-million Naira claims for damages involved in the suits which in the short term, psychologically compromise journalists and publishers, and on the long run, had the potential to threaten the very existence of the medium against which such claims are being made.

During the year 1999, except for a television station, "Here and There" shut down at Ibadan by the NBC on charges of not adhering to the terms on which its licence was granted, there was no other news media that was officially shutdown. There were, however, threats of several other broadcast stations being similarly shutdown due to a disagreement over default in the payment of license renewal fees between them and the NBC.

Two media houses discontinued three publications due to economic down-turn in their fortunes. Several others managed to limp through the year as they continuously battled with staff agitations over unpaid backlog of salaries. But despite the economic constraints, at

least twenty-one new publications joined the newsstand while three broadcast stations joined the airwaves.

During the year the media's most celebrated achievement was the revelation by The News magazine of certificate forgery and perjury by the Speaker of House of Representatives, Alhaji Salisu Buhari, which led to his resignation.

Earlier, during the transition period, Media Rights Agenda in its Print and Broadcast Media Monitoring exercises, variously commended the print and broadcast media for helping to adequately propagate germane issues that cropped up during the electioneering process among other services.¹

After emerging from the trenches of guerilla journalism which the dictatorships of General Babangida and General Abacha pushed it, not only could the media practice in an unhindered environment, various media establishments rolled out drums to celebrate milestones in media evolution.

Among them were, TELL magazine which celebrated eight years of its establishment; Vanguard celebrated its 15th years on the newsstand; The Punch rolled out drums to celebrate its Silver Jubilee on the newsstand; while Tribune celebrated its Golden Jubilee. Similarly, the television arm of the broadcast medium clocked 40 years on these shores and rightly saw the need to role out drums for celebrations.

Like the previous year, Nigerian journalists and media practitioners got ovations from within and abroad for a job well done. The year witnessed perhaps the highest number of workshops for journalists in Nigeria to update their skill.

Numerous Nigerian journalists, mostly political and human rights reporters, had the opportunity to attend workshops organised by non-governmental organisations. Among such groups were Media Rights Agenda (MRA), Independent Journalism Centre (IJC), Centre for Free Speech (CFS), Civil Resource Development and Documentation Centre (CIRDDOC) and Civil Liberties Organisation (CLO), among others. MRA organised no less than nine workshops for political and human rights reporters.

Several journalists also got appointed into information portfolios at both the local, states and federal levels upon the take-off of the civilian administration.

For the Nigerian media, it has been a case of cheering metamorphoses these past few years. In 1997, as was the case with several years under the military, the Nigerian media was sentenced to silence. In 1998, it got back from the brink of a precipice. But in 1999, it was a blaze of glory.

As the Nigerian media clink glasses for the new found freedom and firm up its resolve to re-dedicate itself to the ideas of democratic etiquette and aspirations of Nigerians, it would not be out of place to say of it, the Nigerian media though bruised and battered, conquered and emerged victorious.

* **The Nigerian Media And The 1999 Constitution**

The Nigerian media will enjoy no specific constitutional protection under the present democratic dispensation, going by the provisions of the 1999 Constitution promulgated by the Federal Military Government of General Abubakar.

Known as the Constitution of the Federal Republic of Nigeria 1999, the documents was signed by the former Head of State, General Abubakar on May 5, 1999 and came into force on May 29. The new Constitution is modeled after the 1979 Constitution, which was used during the democratic dispensation in the Second Republic and by subsequent military governments, which carried out some modifications in the document.

The provisions relating to the media in the new Constitution are a rehash of those in the 1979 Constitution. They simply impose duties and responsibilities on the media without

granting the much-touted Fourth Estate of the Realm any right or privilege beyond the general right to freedom of expression guaranteed every person in Nigeria.

But the new Constitution makes a remarkable departure from previous Constitutions in Nigeria, including the 1979 Constitution, in that it gives every citizen of Nigeria access to the declaration of assets made by public officers to the Code of Conduct Bureau.

The provisions of Section 21 of the 1979 Constitution and Section 22 of the 1999 Constitution are couched in identical 39 words thus: “The press, radio, television and other agencies of the mass media shall at all times be free to uphold the fundamental objectives contained in this chapter (two) and uphold the responsibility and accountability of the Government to the people.”

Section 36 of the 1979 Constitution is also replicated by Section 39 of the new Constitution. Section 36 of the 1979 Constitution states that:

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

(2) Without prejudice to the generality of subsection (1) of this section, every person shall be entitled to own, establish and operate any medium for the dissemination of information, ideas and opinions: Provided that no person, other than the Government of the Federation or of a State or any other person or body authorized by the President, shall own, establish or operate a television or wireless broadcasting station for any purpose whatsoever.

(3) Nothing in this section shall invalidate any law that is reasonably justifiable in a democratic society:

(a) for the purpose of preventing the disclosure of information received in confidence, maintaining the authority and independence of courts of regulating telephony, wireless broadcasting, television or the exhibition of cinematography films; or

(b) imposing restrictions upon persons holding offices under the Government of the Federation or of a State, members of the armed forces of the Federation or members of the Nigeria Police Force.

The only difference between these provisions and the ones contained in the new Constitution is the exception in Section 39(3) (b) of the 1999 Constitution which went further by including the phrase: “or other government security services or agencies established by law.”

The provisions of the new Constitution did not take cognizance of the recommendations contained in the Ota Platform of Action on Media Law Reform in Nigeria which were adopted by the broad-based participants at an international seminar on Media Law Reform in Nigeria held from March 16 to 18, 1999 under the auspices of Media Rights Agenda, Article 19 (the International Centre Against Censorship) in London and the Nigerian National Human Rights Commission.

The Ota Platform of Action, a consensus document by various stakeholders and interest groups, including relevant government agencies and regulatory bodies for the media, is expected to provide a guide for any programme of media law reform and protection of media freedoms in Nigeria.

In addition to other proposals, the Ota Platform recommended that the Constitution should contain provisions aimed specifically at protecting the media, including its editorial independence. This is obviously lacking in the new Constitution.

The new Constitution also makes no provision for a general right of access for Nigerians and the press to information in the custody of the Government or its officials, one of the recommendations contained in the Ota Platform of Action on Media Law Reform.

The campaign for the enactment of a legislation giving a legal right of access to public information to Nigerians and providing a mechanism for the operation of such a regime, has spanned the last six years.

It was expected that a constitutional provision for a right of access to public information would facilitate the enactment of a Freedom of Information law and strengthen the legislation. However, by Paragraph 3(c) of Part 1 of the Third Schedule to the new Constitution, a right of access is given to every citizen of Nigeria to asset declarations made by public officers to the Code of Conduct Bureau.

The Code of Conduct Bureau is established as a Federal Executive Body by Section 153(1)(a) of the new Constitution with powers to enforce the Code of Conduct for Public Officers contained in Part 1 of the Fifth Schedule to the Constitution.

The Code of Conduct requires every public officer, within three months after the date of the coming into force of the Code (May 29, 1999) or immediately after taking office, and thereafter, at the end of every four years and at the end of the term of office of the public officer, to submit to the Bureau a written declaration of all his property, assets, and liabilities and those of his unmarried children under the age of 18 years.

Paragraph 3(c) of Part 1 of the Third Schedule to the Constitution empowers the Bureau to “retain custody of such declarations and make them available for inspection by any citizen of Nigeria on such terms and conditions as the National Assembly may prescribe.”

The Bureau is also authorized to receive complaints about non-compliance with or breach of the provisions of the Code of Conduct or any law relating to the issue, investigate the complaint and, where appropriate, refer such matter to the Code of Conduct Tribunal.

These provisions will make it possible, for the first time in Nigeria, for citizens to look into the asset declarations made by public officers and to file complaints over non-compliance and by implication contest claims before the Code of Conduct tribunal.

But beyond this, the new Constitution represents 20 years of lack of progress for press freedom since the making of the 1979 Constitution.

Like the 1979 Constitution, although, the side notes to Section 39 of the new Constitution describes the provision as relating to the “Right to Freedom of Expressions and the Press,” the text of the section simply guarantees to “every person” the right to “freedom of expression, including freedom to hold opinions and to receive and impart ideas and information without interference.” It contains no specific guarantee of press freedom.

Although, Section 22 of the new Constitution mandates the press to hold the Government accountable to the people, it failed, like the 1979 Constitution, to provide safeguards and protection to the media in executing this responsibility.

Despite these shortcomings, the new Constitution puts the media in better shape than the draft 1995 Constitution which the late Head of State, General Sani Abacha, had planned to promulgate. That Draft Constitution contained provisions for the establishment of a Federal Executive Body to be known as the “National Mass Media Commission” with extensive powers to censor the media.

* **The Nigerian Media And The National Telecommunications Policy**

An issue that bears heavily on the Nigerian media, which took place during the year, was the release of a new National Telecommunications Policy. A palpable and numbing shock wave rocked the spine of information technology conscious Nigerians on October 26, 1999, with the announcement by the Minister for Communications, Alhaji Mohammed Arzika, of a new licensing fee of \$100 million (N10 billion) -up from between N20 million and N30 million - for companies intending to provide telecommunication services in Nigeria. The new fees show an increase of over 4000 per cent on the previous charges.

For Nigerians who are not only conscious of the place of telecommunications in information technology but who could easily fathom the dire consequences of the heavy charges, it was simply an over-kill despite the pretensions by government that it is well disposed to creating access to communications.

The new National Telecommunication Policy thus effectively threw spanners in the works of Private Telephone Operators (PTO) while protecting the ailing government-owned Nigerian Telecommunications Limited (NITEL) and enhancing the monopoly it has always enjoyed.

The new policy sets high financial hurdles and stringent conditions for PTO desirous of operating the Global Systems for Mobile Telecommunications (GSM) in Nigeria. These conditions if implemented would force over 50 PTOs out of business.

The total sum of the hurdles before the PTO is a bill of a minimum of \$500 million (N50 billion). This sum is broken down as follows: \$100 million as licensing fee to government; \$100 million for frequency spectrum, numbering plan and allocation of numbers, interconnectivity among others; and \$300 million for a minimum of 300,000 lines to be deployed to the network within 24 months.

Some major highlights of the policy aimed at providing more telephone lines for Nigerians include: that a minimum of 2 million fixed lines and 1.2 million mobile lines will be provided in the next twenty-four months; that there shall be a minimum of two national carriers, including NITEL, while a third carrier may be licensed thereafter on the basis of economic viability; that there shall not be more than four National Digital Mobile Cellular operators in the country for an initial period of five years; that five million new fixed, and four million mobile lines will be provided within the next five years; and that the National Frequency Management Board should be established.

Under the new policy, only NITEL and Mobile Telecommunications Limited (M.TEL), two government-owned parastatals, are free presently to operate the GSM. They have been named the first two beneficiaries of the four slots prescribed in the policy. Interested PTO will bid for the other two slots.

In addition, all Very Small Aperture Terminal (V.SAT) licenses were also cancelled with the exception of NITEL and M.TEL vested with the rights of international transmission.

At independence in 1960, Nigeria reportedly had 18,724 telephone lines for a population of about 40 million. Twenty-five years later in 1985, the number had risen to 200,000 lines as against the planned target of 460,000 lines.

By 1999, of the 700,000 installed capacity, only about 400,000 lines are in use. The chief reason for the less than capacity utilization is attributed to cost of obtaining a telephone line. This used to be about N75,000 officially for NITEL (which was hardly ever enough to secure a telephone line) and between N140,000 and N180,000 for private providers. NITEL's rate was only recently sliced down to N20,000 by the federal government.

Even then, the general belief is that the 700,000 installed capacity is definitely too small for a country of over 100,000,000 people spread over such a huge land mass. To open up the telecom industry, the National Frequency Management Board (NFMB) was assigned the responsibility of the planning, co-ordination, allocation, assignment, organisation and monitoring of the radio frequency spectrum in the country.

The Nigerian Communications Commission (NCC) was assigned the responsibility of an independent regulator of the telecom industry, issue licenses to service providers, operators and carriers, numbering and as well to perform such other regulatory functions as may be defined from time to time by the Minister for Communications.

Others include enforcing compliance to quality of service standards and providing regulations, arbitrating between operators and carriers, and protecting the interest of the consumers. So far, it remains hazy what they have achieved.

According to the new policy, the objectives include; to ensure that the new regulating environment is flexible enough to take into account new technological developments, and in particular, all new equipment should be digital while the analogue system is progressively phased out to ensure that telephone facilities are brought within 5km distance from any

community, to encourage local manufacturing of network components and spares to ensure that a target of least 5,000,000 new fixed and 4,000,000 new mobile telephone lines is achieved.

The new policy effectively removes every milestone that would have set a level playing ground for the two government parastatals and PTOs. It creates a monopolistic situation for NITEL with the attendant consequences of lack of competition bringing about lack of transparency and inefficiency that NITEL has abundantly exhibited, and curtailment of local and foreign private investment which would have facilitated quick introduction of new telecommunication technology. This is in addition to possible high cost to subscribers and possible stagnation of the Nigeria telecommunication industry in this age of globalization.

Indeed, revelations at the public hearing which the House of Representatives Committee on Telecommunications held as a follow-up to the policy clearly established the fact that more than just for reason of patriotic zeal and a honest intention, most proponents of the new policy are driven by personal considerations.

Besides the efficiency consideration for the oppositions to the policy, which has a drastic bearing on the efficiency and development of the Nigerian media, being a major tool in media operation, there is the case if the international recognition of telecommunications as a free expression tool. This fact was obviously lost on the Ministry of Communications in particular, and the government of President Obasanjo in general, to have sanctioned the policy with its attendant consequences of high cost of procurement of telecommunications facilities and services.

Coming on the heels of the government slashing from N50,000 to N20,000 the cost of acquiring a telephone, the rationale is difficult to comprehend.

CHAPTER TWO

THE PRINT MEDIUM IN 1999

Of Bees and Honey Comb

General Environment

In 1999, the Press emerged unbowed from the rampart from where it fought the dictatorships that bestrode the political landscape of Nigeria between 1984 and early 1999. Undaunted by the battering it took from the regime of General Abacha, the press continued on a campaign to rid the country of soldiers that had Abacha tendencies.

Early in 1999, there were widespread fears that the General Abubakar regime would bequeath to the Obasanjo Administration the existing obnoxious laws and policies which the press had kicked against. One of the policies that the press fought until the Obasanjo government came on board was the Federal Government's decision to put newspapers and magazines under the Value Added Tax (VAT). The government's argument was that newspapers and magazines in Nigeria were at par with commercial vehicles, airplane, ships, locomotives, spare parts and water treatment in terms of their commercial viability. Media practitioners argued that the VAT regime contradicts international conditions for the promotion of an independent and pluralistic press.

Even before government began to implement the policy, several publishers had started to implement the more obvious of the two possible options; increase cover prices and advertisement rates. The second option was for the papers to go under.

Before it finally left power, General Abdulsalami Abubakar's government also rejected plans to privatize some of the print media in which the federal government has controlling shares. Affected by the policy were the Daily Times of Nigeria Plc., the News Agency of Nigeria (NAN) and the New Nigerian Newspapers. This was despite the assurances by the Information Minister, Mr. John Nwodo (Jnr.), and the erstwhile Chairman of Bureau of Public Enterprises, Dr. Hamza Zayyad that the government had concluded plans to privatize them.

Besides that unfulfilled promise and the VAT policy, there were several battles that the print medium had to fight during the year 1999. These were mainly in the area of the repeal of several of the vestiges of the draconian laws restricting press freedom that had endured. Among them was the controversial Newspapers Decree No. 43 of 1993. Media Rights Agenda started the battle against the obnoxious decree when it filed a complaint against the federal government over the decree in 1994 with the African Commission on Human and People's Rights.

In a heart-warming decision at its 24th Ordinary session, the Commission held that the decree indeed violates the right to freedom of expression. The Commission also ruled, sequel to another complaint by MRA that the seizure by government of 50,000 copies of TELL magazine on January 2, 1994 amounts to a violation of Article 9(2) of the African Charter. MRA in March 1999, filed a suit in court to give effect to the Commission's decision by compelling the government to repeal the decree.

While MRA was in court, General Abubakar released from jail Mr. Niran Malaolu, a journalist and former Editor of the now defunct The Diet newspaper, who was unjustly jailed during the reign of General Sani Abacha. Expectedly, his experience in detention and prison, like the case of other journalists released in 1998 by the same General Abubakar's regime, was a gory tale.

In a move that confirmed the palpable relaxation in the siege that had been the lot of the Nigerian media for several years especially during Generals Babangida and Abacha's regimes, the CPJ released its 10 worst enemies of the press for the year in May with Nigeria out of the list. General Abacha had taken Nigeria to the number one spot of the inglorious club of the enemies of the press before he died.

While Malaolu was celebrating the fresh air of freedom, and the media was waiting with bated breath for the military to hand over power and quit the stage, General Abubakar scored a bull's eye. First, he caved in to MRA's legal request by repealing the Newspapers Decree No. 43 of 1993. He, however, promulgated an amendment called Decree 60 of 1999, to the Nigeria Press Council Decree No. 85 of 1992. The amendment sought to surreptitiously pass over to the NPC controversial sections of Decree No. 43 of 1993. The fact of this amendment was not advertised unlike the abrogation of Decree No. 43 of 1993, which took place on the same day.

The amendment seeks to redefine the membership of the journalism profession, give more lethal teeth to the NPC including powers to register news publications and prescribes draconian penalties against defaulting media establishments and practitioners. For instance the Decree provides for a fine of N250,000 or three years jail term or both for a corporate body which fails to register its publication.

The Guardian newspapers in its Editorial, which condemned the Decree said in letter and spirit, the new legislation cannot but shackle the press and inhibit its capacity to contribute to the nurture of the nascent democracy in the country. The Newspapers Proprietors Association described the legislation as a "cruel and sinister instrument of censorship that is repugnant to the spirit of freedom that all Nigerian are entitled to."

Media Rights Agenda, on its part, went a step further by asking a court to nullify the Nigerian Press Council (Amendment) Decree No. 60 and restrain the government from implementing it. MRA contended that the decree promulgated by the General Abubakar's regime on May 26 1999, three days before it quit power, violate 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 restriction on the enjoyment of this right contrary to the provisions of section 39 (1) and (2) of the Constitution.

The legislation was bequeathed to President Obasanjo's administration by General Abubakar's government. Despite opposition to the decree, the Federal Government in August reconstituted its governing board in line with the decree. The new board has Alhaji Alade Odunewo as Chairman. Former Information Minister Prince Tony Momoh, Mallam Wada Maida, Managing Director of the News Agency of Nigeria; Dr. Doyin Abiola, Managing Director of Concord Press Limited; Mallam Yaya Abubakar, former Director General Voice of Nigeria (VON) and Professor Ralph Akinfeleye of the Mass Communications Department University of Lagos are board members.

The inauguration did not go down well with the Newspapers Proprietors Association of Nigeria (NPAN) and several other media groups. NPAN said that it appreciated the "new climate of freedom being enjoyed by the press but that there are enough laws in the land to guide the operations of the press".

Meanwhile, President Obasanjo soon after assumption of office juggled the helmsmen of the federal government's media organisations. The exercise saw Peter Enahoro, Sole Administrator of Daily Times of Nigeria Plc., giving way to Dr. Onukaba Adinoyi-Ojo and Malam Wada Maida of News Agency of Nigeria (NAN) retained his office under the redesignated name of director general as opposed to managing director.

Despite the campaign against ominously restrictive legislation, the press still had time to record what would perhaps go down in history as one of its biggest feats when it exposed and spear-headed the removal of the Speaker of the House of Representatives, Alhaji Salisu

Buhari, and largely contributed to the exit of the former Senate President Chief Evan(s) Enwerem.

The NEWS magazine in its July 19, 1999, cover story entitled: Buhari; The Face of a Liar, accused the former number four citizen of Nigeria of forgery and perjury. The magazine claimed that Alhaji Buhari was not qualified to contest election into the House of Representatives being under thirty years of age. The magazine also revealed that Buhari falsified his certificates, that he was expelled from the Ahmadu Bello University Zaria on ground of falsification of entry results, that he never attended the University of Toronto, which he claimed to have attended in his curriculum vitae, and that he did not take part in the compulsory one year National Youth Service Corps programme, among several other allegations.

Alhaji Buhari attempted to deflate the charges by both orthodox and non-orthodox means including hiring leading Senior Advocate of Nigeria (SAN) Chief Rotimi Williams to file a libel action in which he claimed N2 billion against The NEWS. But the persistence of the press and the insurmountable nature of the evidence against him were simply overwhelming. After weeks of posturing, Buhari finally resigned on July 22, 1999, when he confessed to his colleagues that he had indeed lied.

Attention shifted to the Senate where TELL magazine in its August 9 1999 edition accused the former Senate President Chief Evan Enwerem of being a man with a murky past. The report claimed that Chief Enwerem was dismissed from the civil service of the Eastern Regional Government while working as a Revenue Clerk and was convicted for stealing in 1945, that he changed his name from Evans to Evan in order to avoid the stigma of the conviction and that Chief Enwerem had falsified his age in the past, among several other allegations.

The allegations attracted a gale of critical reactions both for and against Enwerem. Despite spirited denials and clearance by the Senate, the House of Representatives on August 4, adopted a motion asking Enwerem to vacate his office pending the determination of allegations of age falsification and fraud against him. The controversy was still on when the Senate in October impeached Enwerem and elected Dr. Chuba Okadigbo as the new Senate President.

The press did not stop its crusade at the federal level. Kaduna-based Today newspaper stirred another controversy when it accused Lagos State Governor, Senator Bola Ahmed Tinubu, of alleged forgery. He was accused of forging a Chicago State University Certificate. The controversy that arose from the allegation also smeared the media itself. There were allegations by several persons, groups and even a section of the media that the core of the critical press was reluctant in joining forces to prosecute the matter. No less a person than the respected Lagos lawyer and human rights activist, Chief Gani Fawehinmi held this view. The matter was at the close of the year still a subject of litigation and it was obvious that more of it would be heard in the years ahead.

* **New Titles**

Controversy aside, the environment apparently seemed conducive for investors having an eye for newspaper publishing. At least 10 newspapers and 11 magazines joined the newsstand in 1999, while those that were in the throes of death were resuscitated. Some publications that had weathered the harsh times also took time off to celebrate.

Among the newspapers that joined the newsstand were: The Examiner, a general interest newspaper. It is published by Clout Communications Limited with veteran journalist Pini Jason as Editor-in-Chief and renown Columnist, Ocheronne Nnanna, also contributing. The Examiner, in its preview edition promised to “foster national integration through dialogue, enlightened debate and tolerance of dissenting views”.

An evening newspaper, *Alive*, made its debut on the newsstand on May 10. The paper circulates only in Lagos from Mondays to Fridays. It is published by a journalist, Anietie Usen, a former General Editor of *Newswatch* and also a former regional editor (West Africa) of *Africa Today* magazine. Etim Etim, formerly of *The Guardian Business Desk* edits *Alive*. Its mission statement as stated in its debut edition says the “publication (is) aimed at using national issues to draw attention to God,” as the publishers believe that the ultimate achievement of a nation is to be fully reconciled with God.

National Network, a weekly newspaper entered the media landscape unannounced on May 29. It has a former General Manager of *New Nigerian* newspaper, Segun Runsewe, as Publisher / Editor-in-Chief.

A community-focused newspaper, *Community Newsreel*, hit the newsstand on June 28, 1999. The newspaper published in Ikorodu - Lagos by *Esude Communications Ltd.*, promise to enlighten people in the rural areas. It began as a fortnightly tabloid but promised to go weekly later.

The *Comet* newspaper also came on board on July 5 as a daily tabloid conceived on the intellectual journalist genre. It is published by *Turning Point Newspapers Limited* and has veteran journalists, Lade Bonuola and Femi Kusa, at the helm of affairs. They left the influential *The Guardian* newspaper as Managing Director and Director of Publications, respectively, earlier in the year.

Financial Standard, a weekly newspaper principally devoted to business and economy, hit the newsstand on October 25. Joseph Ode, former general editor of *Newswatch* magazine, edits it.

A security-oriented newspaper, *Police Chief*, made its debut appearance on newsstands on July 9. Its editor, Mr. Adebola Owolola, said the newspaper would stamp out all vices associated with Nigerian society through constant featuring of crime related issues. He said the paper is fashioned after the banned American *Police Chief* and will also report news with striking authority.

December 1, 1999, *Intercontinental Publishers Limited* released their preview edition of *National Times*, a 40-page tabloid. Its maiden edition made its debut on December 12, 1999. Its editor is Kelvin Orji while the Executive Director is Ozomma F. A. Ozobia.

Mr. Ozobia said the new publication would run weekly initially now and go full throttle by January 2000 as a daily newspaper. He added that the newspaper will report and keep a watchful eye on politics, economy, entertainment, education, technology and sports factually and undiluted. The general interest tabloid has “truth, equity and justice” as its motto and is planned as a national daily.

Ebonyi State also in 1999 enacted an Edict establishing the *Ebonyi Newspapers Corporation*, publishers of the *Nigerian Patriot*. The government of *Nasarawa State* acquired a privately-owed newspaper in the state, *Nasarawa Newsday*. The government said it needed the newspaper to publicize its activities and as a medium for its citizens to air their opinions on issues affecting the state and the nation.

PM News, an evening tabloid published by *Corporate Vendors Limited* in Lagos, extended circulation to *Port Harcourt* on July 5. Originally it circulated in the Lagos environs only.

Heralding the magazine club was *Weekend Digest* magazine which hit the newsstands in February. Its publisher, Mr. Muyiwa Adetigba, said issues to be treated in the magazine would essentially deal with triumph of the human spirit. *Weekend Digest*, a sister to the evening tabloid, *TNT*, also hit the newsstand. It takes after the universally popular *Reader’s Digest* magazine. Its publisher, Mr. Adetigba said the magazine is to showcase to people who have used the power of the human spirit to inspire others.

Judicial Voice, published by the Magistrate Association of Nigeria, Ogun State Branch, was formally launched on April 1, 1999 at the Cultural Centre, Kuto in Abeokuta, Ogun State. The journal hopes to focus on issues fundamental to law and the practice of the legal profession in Nigeria, and promote academic excellence among lawyers, and the ethics of the profession.

Independence Journalism Centre (IJC) and Journalists for Democratic Rights (JODER) launched a bi-monthly journal – 4th Estate, on May 3 to commemorate the world press freedom day. The European Union is funding the pro-media journal that deals with the life of the journalist and addresses his welfare. Its aim is to sensitise the Nigerian people and the international community to issues of rights violation in the media which successive military regimes, in particular, had devised antics, albeit without success to render almost prostrate.

Also on May 31, Crystal, a full-colour monthly magazine from the stable of Heritage Press Limited, entered the newsstands. The publishers plan to take the magazine beyond the shores of Nigeria to continental and international markets. It promised to “complement the move towards the much sought after ‘New World Information Order’ with a much more balanced information flow.”

It is a 60-page all colour, glossy magazine and has Emmanuel Yawe as Editor. Yawe said “Crystal is committed to the promotion of national and Africa’s unity and integrity, defending the fundamental human rights and freedoms of the people and nurturing the culture of democracy and the rule of law.” He promised to “strive toward establishing ethical and professional standards in the practice of journalism in Nigeria and Africa.”

Excellence magazine hit the newsstand in July. It is published and edited by Mayor Akinpelu, a former editor of Fame magazine.

Another weekly tabloid, National Pathfinder made the newsstand on September 9, with “forward in the pursuit of truth”, as its motto and a promise to contribute its quota to national development. It is a general interest newspaper that promised to cover interest of the marginalised people of Nigeria. It has Mr. Chooks Oko as Managing Editor.

Business showcase, a business oriented magazine was launched in Lagos on October 6. The magazine focuses on marketing, advertising and small and medium enterprises. Its publishers, SWAPPS Associates, said through Ademola Ajayi, its chairman, that the magazine is “a direct response to a demand for improved exposure of the operators and the products” in Nigeria.

Reason, a general interest magazine was on November 20 launched at the National Stadium in Surulere, Lagos. The maiden edition of the magazine published by Roots & Heritage has a leaning towards the relationship between Igbos and Jews and origin of Nigerian Languages.

A bi-monthly magazine designed to ignite the fire of nationalism and patriotism in Nigerians especially the youths, also joined the Nigerian print medium. It is called The Compatriots. Its Editor-in-Chief, Mr. Bayode Amoran, said the magazine is intended to inculcate in Nigerians the need to put the country first in whatever they do, and this they intend to start with the youths. The magazine, he said, would teach Nigerians not to rely on what the country can do for them, but what they can offer the country.

A national weekly to address issues concerning and promoting Southern Nigeria minorities’ rights, The Parrot, also hit the newsstands. A statement by Basil Ukofu for Parrot Communications, publishers of The Parrot, described the magazine as “a hybridized voice of southern minorities.” It promises to propagate the rights of the people of the oil-rich Niger-Delta region.

Blues, a glossy romance/entertainment magazine hit the newsstands on December 14, 1999. Blues is published by Blues Publications owned by Sunny Okim who is also the

chairman of Guild of Movie Journalists (GMJ). Blues is a blend of pure romance and entertainment packaged by some of the best hands in the industry.

As the year drew to a close, The Newsmaker magazine joined the newsstand from Lokoja in Kogi State. Its editor-in-chief Segun Abu, said the magazine aims to project the basic concept of African personality and for the alleviation of poverty within the continent.

As were births, so also were deaths in the newspaper industry, but in a very low ratio. Lagos based tabloid The Diet newspaper was shut on June 29 on the orders of its publisher, Delta State Governor, Chief James Ibori. The paper fell on hard weather and was unable to meet up with its financial obligations to its staff for several months before it finally went under. In a notice pasted on The Diet's gate and signed by the publisher himself, it said "following the present stand-off by staff of the company and the inability of the company to meet its financial obligations we are compelled to shut down temporarily to sort out solutions to the problems". The Diet had not reopened as at the end of the year.

Similarly, in Akwa Ibom State, the State newspapers, The Pioneer and the Weekly Pioneer were also off the streets for a sometime following the government's withdrawal of subvention to the newspaper.

Daily Times of Nigeria Plc., also lost West Africa magazine to Ghana's Graphic Corporation, publishers of the Accra-based Daily Graphic. The Ghanaian media outfit took possession of the sub-regional magazine early in June with a promise to re-launch it at its original base in London. The corporation bought the magazine for two hundred thousand pounds (200,000) in a bid that also had a Nigerian, Kayode Soyinka, publisher Africa Today as a strong contender.

Two press institutes with foreign affiliation were established in Nigeria in 1999. The International Press Institute (IPI) was inaugurated on October 29, with Mr. Sam Amuka, publisher of Vanguard newspaper as the Chairman. The International Press Centre (IPC) was earlier on October 9, commissioned. It is a project of the International Federation of Journalists (IFJ), and the West African Journalists Association (WAJA) in partnership with Media Rights Agenda (MRA), International Journalism Centre (IJC), Journalists for Democratic Rights (JODER). The project is sponsored by the European Commission (EU) and has a former Lagos NUJ Chairman, Mr. Lanre Arogundade, as its Co-ordinator.

There were also celebrations of life. Several print medium organisations took time off to celebrate their survival of military tyranny and a job well done. The celebration train was heralded by TELL magazine which clocked eight years. Vanguard celebrated its 15 years anniversary while The Punch and Tribune rolled out the drums for their 25th years and golden anniversary celebrations, respectively.

* **Awards and Honours**

While some Nigeria print houses were celebrating, individual journalists were similarly being called to the rostrum to be recognised for their courage in practice despite the odds stacked against them. In March, Declaen Okpalaeké was named winner of the CNN African Journalists of the Year Award. He beat 180 other journalists from 15 countries with his article titled: Message of Hope on male infertility. Janet Mba-Afolabi, principal staff writer at Newswatch emerged winner of the general news category. Yemi Ademowale staff writer also at Newswatch won the second prize in the sports category.

In April, a journalist at TELL magazine, Ibim Semantari, was awarded the Alfred Friendly Press Fellowship. Similarly, another journalist Dan Akpovwa with This Day was awarded a French Government Scholarship to improve his skills at the Centre de Formation et de Perfectionnement des Journalistes (CFPJ) in Paris, France.

Four Nigerian journalists were in June honoured with Commonwealth Media Award. They are: Sanya Onayoade and Abiodun Raufu of The Punch, Mudiaga Ofuoku of Newswatch and Rotimi Adebayo of Daily Times. Another journalist, Cordelia Onu, of Daily Champion won the World Press Institute (WPI) Fellowship.

In August, three Nigerian journalists won the Helman Hammet Award. They are Lanre Arogundade of Vanguard and former chairman of Lagos NUJ, Niran Malaolu, former editor of The Diet and Akinwunmi Adesokan of The Post Express. For the second time in the year, Dan Akpovwa won an award. This time, the British Chevening Scholarship.

The Nigerian Media Merit Award, NMMA, was held in Lagos, on November 6. Three Newswatch editorial staff won prizes but Okpalaeke emerged the press reporter of the year. In the Diamond Award for Media Excellence, DAME, held on December 9 in Lagos, Newswatch won the best-designed magazine prize.

For the Nigerian print medium, 1999 was a year of work, work and more work, like the bee. But the reward was as sweet as the honey comb.

Legal Environment

Like the year before it, the Nigerian Print Medium entered 1999 with a plethora of draconian laws that posed further obstacles to the practice of journalism. Indeed there is no exact figure of the various media laws which like kegs of gun powder and mines dotted the paths of the print medium in 1999. This is largely because most of the laws which date as far back as 1917, are scattered all over the statute books and are not harmonised.

Besides these, there were also a number of edicts, laws and decrees which were not directly aimed at the media but which because of their sweeping nature stood like an outpus of a dragnet ready to take in journalists and media practitioners in its belly at the slightest infringement. But a conservative estimate would put the figure at about 20. These include;

- The Defamatory And Offences Publications Act No. 44 of 1966
- Newspapers (Prohibition of Circulation) Act No. of 1967
- Printing Press (Regulation) Act Of 1958
- Newspaper Act Cap. 291 Laws Of The Federation Of Nigeria, 1990
- The Official Secrets Act of 1962 Cap 335, Laws of the Federation of Nigeria 1990 and Section 97 of the Criminal Code
- Section 58 of the Criminal Code Act, Cap 77 Laws of The Federation 1990
- Section 59 Of The Criminal Code, Cap 77 Laws Of The Federation 1990
- Section 60 Of The Criminal Code, Cap 77 Laws Of The Federation 1990
- Sections 373 – 381 Of the Criminal Code Cap 77 Laws Of The Federation, 1990
- State Legislation on Publication Of False Statements In Newspapers.

Several others, which survived until 1999, were repealed in the course of the year. The following legislation were repealed by the Constitution of the Federal Republic of Nigeria (Certain Consequential Repeals) Decree No. 63 of 1999.

- Constitution (Suspension and Modification) Decree No. 1 of 1984
- State Security (Detention of Persons) Decree No. 2 of 1984
- Treason and Other Offences (Special Military Tribunals) Decree No. 1 of 1986
- Treason and Treasonable Offences Decree No. 29 of 1993
- Constitution (Suspension and Modification) Decree No. 107 of 1993
- The Federal Military Government (Supremacy and Enforcement of Powers) Decree No. 12 of 1984

The following were repealed by certain specific legislations:-

- The Newspapers Decree No. 43 of 1993 was repealed by the Newspapers (Repeal) Decree No. 57 of 1999.
- The Nigerian Media Council Act (Cap316) laws of the federation of Nigeria 1990 was repealed by the national Media Council (Repeal) Decree No. 58 of 1999.

It is worth noting the fact that during the year 1999, none of these laws were known to have been put to use. But the likelihood of such was never lost on journalists and media practitioners.

Two of the most lethal of these anti-press laws that survived 1999 and pose the most likely threat to the print medium operation in the years ahead surfaces for review hereunder.

1. Offensive Publications (Proscription) Decree No. 35 of 1993

Section 1 of this legislation provides inter-alia that the president may by an order published in the Gazette proscribe or authorise the seizure of any publication containing any article or material likely to disturb the peace and public order of Nigeria.

In proof of its inconsistency with the basic tenets of constitutional democracy, the decree in its section 2(1) purports to oust the jurisdiction of the courts to inquire into anything done pursuant to its provisions, while also declaring under subsection 2 thereto, that any judgment or order of court given in violation of the section 2(1) is null, void and of no effect.

As proof of its obnoxious nature the decree in section 2(3) purports to expressly exclude the jurisdiction of the courts to consider the question of, whether the constitutional provisions guaranteeing the citizenry their fundamental human rights or similar provision of the African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act Cap 10 Laws of the Federation, 1990 or any other enactment of a similar nature have been violated by anything done pursuant to this Decree.

A careful study of the provisions of this decree would clearly expose the real danger which it poses to observance of the freedom of expression, rule of law and the protection of the fundamental rights of the citizens, which are essential requirements for the growth and development of any constitutional democracy.

2. The Nigerian Press Council Decree No. 85 of 1992 And The Nigerian Press Council (Amendment) Decree No. 60 of 1999

The need for an independent and self-regulatory body for the Nigerian print medium has never been lost on practitioners. But what they got vide this legislation were far off-mark. Both legislation represent in recent times the most flagrant violation of press freedom and freedom of expression guaranteed under section 39 of the Constitution of the Federal Republic of Nigeria 1999.

Whilst the journalists wanted the establishment of an independent and self regulating press council, Section 2(3) of the Nigerian Press Council Decree No. 85 of 1992 granted the powers to appoint members of the council to any incumbent 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 prerogative 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, which 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 Minister of Information could be exploited by the government by appointing their stooges into the Council, thereby turning it into a 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.

The provision of Section 7(3) of the amended NPC Decree is highly objectionable because 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 and provisions such as those contained in Section 7(3) 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.

Also worthy of note are the provisions of section 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 said provisions.

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

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 so important a role to play in disclosing abuses committed by the authorities.

In concluding, the report states thus: "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, on facts, which are similar to present circumstances, is highly instructive and would serve as our reference material on this vexed issue of licensing of journalist.

On the argument that a law on the compulsory licensing of journalists does not differ from similar legislations 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 professionals 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.

On the argument that the objective of the compulsory 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, that 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 was 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 (Supra) grants to each individual and this would violate the basic principles of a democratic public order on which the convention itself is based.

On 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 right 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 limited access to the profession to a select few was a violation of not only the right of each individual to seek and impart 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 was being interpreted in this case in relation to the Costa Rican Law No. 4420 on licensing of

journalists, is identical to Section 39 of the Nigerian 1999 Constitution dealing with freedom of expression.

Decree No. 60 of 1999 amends the principal NPC legislation by substituting a new Section 24 for the existing Section 24 of the principal legislation and in its S.24(B) it now introduces certain basic requirements that must be satisfied before anybody can be appointed as editor. Some of these benchmark requirements include inter-alia, that the person must have attained 25 years of age, he or she must be a registered member of the NUJ and must have for a period of not less than five years either served as a reporter or acquired working experience as a Journalist in a reputable newspaper house, electronic news medium or news agency. However, employment in a house journal, newsletter or any similar publication does not count as working experience for this purpose.

Section 39(2) of the 1999 Constitution guarantees to every person the right to own, establish and operate any medium for the dissemination of information, ideas and opinion. Therefore, this new provision on conditionalities for appointing an editor contained in Section 24(B) of the amended NPC Decree is an infringement on this right of the average Nigerian to determine how he or she chooses to operate any medium they establish for purposes of disseminating information, ideas and opinions.

Another very contentious provision introduced by the amended NPC Decree relates to the annual registration of newspapers, magazines and journals. This provision contained in section 16 of the amended NPC Decree is identical to that contained in the Newspapers Decree No 43 of 1993, which was repealed by the Newspapers (Repeal) Decree No. 57 of 1999, made on the 26th of May 1999 – the same day that the amended NPC Decree was promulgated.

The repealed Newspaper Decree No. 43 of 1993 had on the 18th November 1992 been declared null, void and of no effect in a considered judgement delivered by Justice Samuel Ilori of the High Court of Lagos State in the case of Guardian Newspaper Limited vs. A.G. of Lagos State and another, suit No. ID/525m/93. A similar decision was given by the African Commission on Human and Peoples' Rights at its 24th Ordinary Session held in Banjul, The Gambia from the 22nd to 31st of October 1998 while considering Communication Nos. 105/93 and 130/94 submitted by Media Rights Agenda and Constitutional Rights Project wherein the Commission held that the provisions of the Newspaper Decree of No 43 violated Articles 7 and 9 of the African Charter on Human and Peoples' Rights and requested the Nigerian Government to take all necessary steps to bring its national laws into conformity with the terms of the charter.

The amended NPC decree provides for the compulsory registration with the Council of every newspaper, magazine or journal, which it euphemistically refers to as documentation, in such form as may be prescribed by the council from time to time.

It stipulates further that any person requiring the documentation of a newspaper, magazine or journal shall submit a brief mission statement and objectives of the newspaper, magazine or journal, the title or name of the newspaper, magazine or journal, the full address of the location of the office of the newspaper, magazine or journal, the name of the corporate body which owns or intends to publish the newspaper, magazine or journal, a copy of the certificate of incorporation and such other information as the council may require from time to time.

The amended NPC stipulates a range of penal and pecuniary sanctions for non-compliance with its provisions.

For instance, any person, who, without documentation with the Council, owns, publishes or prints a newspaper, magazine, or journal is guilty of an offence and liable on conviction to a fine of N250,000.00 or imprisonment for a term not exceeding three years or

to both such fine and imprisonment, and to an additional fine of N5,000 for everyday the offence continues.

Also, any news agent who circulates for sale any copy of a newspaper, magazine, or journal, which is not documented in accordance with the provisions of the Decree is guilty of an offence and is liable on conviction to a fine of N50,000.00 or imprisonment for a term not exceeding one year or to both such fine and imprisonment.

The decree requires the owner or publisher of a newspaper, magazine or journal to “submit to the Council not later than 60 days after the end of each year a return on the performance of the newspaper, magazine or journal in such form as may be specified by the Council from time to time, restating its mission statement and objectives, any change in its name or confirming if the newspaper, magazine or journal has abided by its mission statement and objectives and that the newspaper, magazine or journal has kept to the Code of Professional and Ethical Conduct in the discussion of issues of public interest.

Any owner or publisher of a newspaper, magazine or journal who fails to comply with these requirements is guilty of an offence and is liable on conviction to a fine of N100,000.00.

The decree also provides that if the owner or publisher of a newspaper, magazine or journal fails to make the annual returns on the performance of the newspaper, magazine or journal as required by the decree, or a cause of action has been taken against the owner or publisher by reason of that failure, the Council may, by a notice signed by its Chairman, addressed to the owner or publisher, require the owner or publisher to immediately send the annual returns to the council. Any owner or publisher required by such notice to deliver or send a copy of the annual returns on performance, who fails to do so, is guilty of an offence and liable on conviction to a fine of N10,000.00 for every day on which the offence continues.

The amended NPC Decree, in its Section 10, which is an amendment to Section 15 of the principal NPC legislation, creates several criminal offences which attract various fines and punishment depending on the circumstances. This runs contrary to one of the principal resolutions contained in the OTA PLATFORM OF ACTION ON MEDIA LAW REFORM IN NIGERIA, which is that criminal sanctions are not an inappropriate response to breaches of journalistic ethics and as such should be removed from all legislation where they exist.

CHAPTER THREE

THE BROADCAST MEDIUM IN 1999

Rainbow In The Ai

General Environment

During the year 1999 under review, the broadcast sub-sector of the Nigeria media operated under a generally conducive socio-political environment. Before the deregulation of the broadcast medium vide the National Broadcasting Commission Decree No. 38 of 1992, the Nigeria Television Authority (NTA), Federal Radio Corporation of Nigerian (FRCN) and other state-owned radio and television stations held sway in the airwaves. Programming consideration was at the sole convenience of the stations without a care about what listeners and viewers felt or thought. This was chiefly because there was no serious competition where any existed.

But the birth of private broadcasting occasioned by the deregulation of this sector of the Nigerian mass media, has resulted in stiff competition. While this has propelled a spiral growth of the sub-sector, on the one hand, it has equally been a source of worry on the other hand. The year 1999, was not an exception. It produced a mixed grill of both quotients.

Like the print medium, the broadcast medium also had the political atmosphere of two governments under which it operated during the year. The first was under the military regime of General Abubakar and the second under the democratic civilian administration of President Obasanjo. The environments under both governments were devoid of undue censorship by the governments. Thus similarly, like its print counterpart, there were no real differences in its operational environment during the year either under the military or the civilian government.

Given the relative conducive environment for the practice of journalism, the broadcast medium appropriately and adequately exploited the opportunity to full advantage. Though, it could not have been said to have performed as spectacularly as the print medium, the broadcast medium nonetheless provided outlets for instant, and on numerous occasions, live responses to issues, an added advantage by its nature, and moderated public views and opinions to achieve a more cohesive club of citizenry.

In spite of these commendable outings during the year, the broadcast media had sundry hopes that were dashed as well as problems to contend with. Chief of these problems that the broadcast medium had to contend with during the year was a disagreement between the Independent Broadcasters Association of Nigeria (IBAN) and the NBC over fees payable by the private broadcast operators.

Similarly, the simmering war that started between the Nigerian Television Authority (NTA) on the one hand and NBC/IBAN on the other hand, resurfaced during the early part of the year. The dispute had first manifested in 1997 when a programme on NTA 2 Channel 5 based in Lagos was discontinued simply because it was featuring Dr. Tom Adaba, the then director general of the NBC.

The most visible signs of this disunity occurred twice during the year. First, during the preparation for the presidential election, African Independent Television (AIT), a private television broadcast station in conjunction with BON and the Newspapers Proprietors Association of Nigeria (NPAN) got together to organise a grand debate for the presidential aspirants of the two political parties AD/APP and PDP. This was a week after NTA attempted such debate. The venue for the NTA's debate was Abuja while the BON/NPAN/AIT group held its own at AIT Alagbado Lagos office.

President Obasanjo, then an aspirant, failed to show-up at NTA version leaving Chief Olu Falae all alone. Umaru Shinkafi and Abubakar Atiku, the running mates of the presidential aspirants, faced each other at the AIT studio.

Although the AIT setting provided the desired back-drop, aesthetics and atmosphere for what the debate should have been like, were there any agreement between NTA and BON/NPAN/AIT, the duplication of a national event of that magnitude which left the whole exercise uncoordinated, would have been averted.

The second instance was the bid by the NTA not only to secure a sole right to beam the Nigeria '99 football fiesta, but equally secure the use of all Outside Broadcasting (OB) vans purchased by the Local Organising Committee (LOC), despite the obvious overwhelming incapability of the organisation to undertake the task all alone.

The rivalry, however, looked set to give way soon as the NBC was later during the year given power over NTA and FRCN. This was achieved through Decree No 55 of 1999. Promulgated by General Abubakar three days before he quit power for a civilian democracy on May 29, 1999, the decree amends the NBC Decree No. 38 of 1992.

The amendment has four basic features: It gave the power of the collection of radio and television fees to the NBC, brought the NTA under the NBC authority, pegged local programme content at 60 per cent and mandated the NBC to arbitrate in conflicts in the industry. The power given to the NBC to collect television and radio fees was a fulfillment of the pledge made in this regard by the then Information Minister, Chief Nwodo (Jnr.).

But in doing this, the decree only left more confusion without addressing the salient issues that the IBAN had all along been calling attention to. The decree gives the power to collect these fees to the NBC contrary to the Constitution, which came into force three days later, vesting this responsibility on local governments. The area, among several others, that the IBAN had consistently called on the government to address is not just the collection of these dues, but how proceeds from the collection would be shared among broadcast stations, which are to benefit from it.

Other areas which IBAN consistently during the year, like in previous years, called government attention to, were in the area of criteria for granting broadcast licences and fees payable by broadcast media operators. These areas are covered by Sections 2(1)(c) and 9(1 and 2) and Section 13(1)(e) and 14(2) of the NBC decree. While Section 2(1) (c) sets out the objective criteria for licence grant, Section 13(1)(e) and 14(2) gives the Commission the power to prescribe fees payable by the licensed stations.

Broadcast stations operators during the year, like in previous years, used every occasion to call for a licence allocation principle based on publicly available criteria and after public hearings by the National Assembly. The present arrangement they said vest the power on the President and is, therefore, subject to politically motivated consideration.

IBAN during the year consistently called on the government to review the section of the NBC decree granting NBC power to fix fees payable. It also called on the NBC to review its regime of fees to no avail. Indeed, the fall-out of the fees prescribed in 1997 led to a major uproar between the NBC and private broadcast operators during the year.

An indication that such testy time awaited IBAN was given by the new NBC Director General, Mallam Danladi Bako, soon after assumption of office. Speaking at the V.I.P. Lounge of the National Arts Theatre, Iganmu, Lagos, Bako handed out a stern warning to the media owners, saying: "In enforcing our rules and regulations of both the Decree 55 of 1999 and our broadcast code, we are bound to offend or upset some of you. To those who play the game by the rules, they will have no fears at all, but all those who breach the code and our rules and regulations, I can assure you that your days of violation are over because you have just met a tough and rugged customer in me".

In a four-point statement, the DG further indicted the electronic medium of violations of the broadcasting code. He accused the electronic medium of piracy, poor language/presentation, violations of the guidelines on local content and airing obscene materials on television. Expectedly, the private broadcast medium owners rejected the indictment.

But on October 5, 1999 Nigerian awoke to the report of NBC, revocation of licenses of numerous private broadcast medium operators. The revocation made public on October 4 affected 19 radio and television stations in Nigeria. It took the intervention of numerous individuals and organisations to get the NBC to rescind the revocation.

The immediate cause of the revocation was the inability of the broadcast operators to pay the astronomical license renewal fees hiked by over 300 per cent in the regime of license fees, which the NBC introduced in 1997. The private operators which had coalesced into IBAN, said the fees were draconian and that they were unable to pay.

Hit by the NBC's hammer were DAAR Communications Limited, owners of Ray Power 1 and 2 FM and AIT. DAAR Communications also had its Global Satellite Television license withdrawn. DBN Television station was affected. The same fate befell Lagos based Murhi International, which lost its radio and television licenses.

Other stations affected by the NBC's action included Deglobe, a radio station based in Ilorin; IBW FM which operates a radio license in Benin City, as well as Independent Communications, which held two cable television licenses in Warri and Port Harcourt.

There were also Jeremi, which has a radio license in Warri; WATCO which operates a radio license in Jos as well as West Midlands which operates a cable television license in Ibadan. Minaj Broadcasting Systems also lost its satellite television service while Ultima lost its cable television license operated in Port Harcourt and the open television license operated in Lagos. Universal Broadcast, operating in Lagos, was also affected.

The license fees in some cases ran into over N5 million, while Federal and State government-owned stations pay a comparatively meagre N50,000. This is beside the fact that government-owned broadcast medium enjoy subventions for their operations as well as compete with private stations for advertising revenue, in addition to not paying costs of equipment, custom duties and Value Added Tax (VAT). Private stations are also required to pay the NBC 2.5 per cent of their gross turn-over without regard to the capital obligation and operational expenses.

For the government-owned broadcast media, high hopes raised by Chief Nwodo (Jnr.) who continued as Minister of Information until the military quit power, that the government would privatize NTA, FRCN and Voice of Nigeria (VON), all remained unfulfilled. President Obasanjo's government, however, soon after assumption of office, caused a change in the helms men of federal government-owned broadcast media, like it did to the print counterpart.

The exercise saw Mr. Ben Murry-Bruce, Managing Director of Silver-birds Communications Limited, owner of Rhythm 93.7 FM radio station taking over NTA as Managing Director from Mr. Patrick Itoheghe; Mr. Eddie Iroh, a journalist and publisher of Chick magazine took over FRCN as Director General from Alhaji Abdulsalami Micika; and Mr. Taiwo Alimi, former broadcaster and one-time Commissioner for Information in Ogun State was named Director General of VON. He replaced Mallam Yahaya Abubakar, among other appointments made by the government in the broadcast sector.

Although, the common complaint of all the new appointees was the various states of decay of those electronic media houses, indebtedness and lack of funds, with a relatively free hand to operate. Signs began to show as the year drew to a close that better days awaited government-owned media. There were increasing sensitivity to the feelings of viewers and

listeners to programme and programming decision as well as elasticity to responses to competitors' overall policy initiatives.

During the year under review, some broadcast stations began transmission. These include Ray Power 2 FM, a talk-shop radio station, Aso 93.5FM based in Abuja, Star FM from the stable of Murhi International Limited and Eko FM owned by Lagos State.

During the year also Ray Power entered into a hook-up agreement with British Broadcasting Corporation (BBC). Ray Power now relays some signals of BBC. The Federal Government soon after that threatened to ban all such hook-up agreement claiming protection of national security as its basis.

There were several innovations brought to bear in reports by broadcast stations during the year. AIT and MiNAJ also hit European, Middle East and Mediterranean basin airwaves with their satellite broadcast during the year.

At the last count, there are over 141 broadcast stations in the country. These include 32 federal government-owned television stations, 30 state government-owned television stations and nine privately-owned television stations. There are also, nine federal government-owned radio stations, 51 states government-owned radio stations and eight privately-owned radio stations. There are also two cable satellite television. (see table on pages 47 & 48)

Indeed, for the Nigerian broadcast medium, 1999 was a year of rainbow in the air.

Legal Environment

The television sub-sector of the Nigerian broadcast medium clocked 40 year on these shores during the year 1999. But as the year drew to a close and players in the industry and well wishers gathered to clink glasses in celebrating the double event of a birthday and a leap of a breath-taking performance during the year, they did so with palpable caution. The reason; the industry's ombudsman, the NBC, armed with the only major broadcasting operation law in the country, had during the later part of the year, mounted a barricade in the airwaves which had nearly choked almost all the private broadcast stations.

The three major broadcast regulation legal instruments are hereunder discussed.

1. The National Broadcasting Commission (NBC) Decree 38 of 1992

The National Broadcasting Commission (NBC) Decree 38 of 1992 has become synonymous with broadcasting in Nigeria. This reason is not far fetched; the promulgation of the decree was not only preceded by a prolonged debate on the merits and disadvantages of permitting private participation in broadcasting, the industry has also witnessed a revolution since its promulgation.

The decree establishes the National Broadcasting Commission (NBC) and vested it with the power to enforce the decree, particularly the provisions, which relate to approval of licenses and allocations of frequencies, among others.

However, revolutionary as the decree has been to the broadcast sub-sector of the Nigerian media, some of the provisions have met with stiff opposition from many players in the industry and sundry press freedom and freedom of expression groups. The contention is that those provisions are inimical to the development of a free, independent and optimally functioning broadcast medium.

Specifically, sections of the decree which have continued to incur the disapproval of participants and watchers of the industry, include Sections 2(1)(b) as well as section 9(2) and 9(3). Section 2(1)(b) of the decree established the NBC with the power to "receive, process

and consider applications for ownership of radio and television stations, including cable television services, direct satellite broadcast and other medium of broadcasting.”

Section 2(1) as well as section 9(2) and 9(3) of the decree suggest that the granting of licences is a function exercised by the Commission. It is clear that the ultimate decision as to who should be granted a broadcasting licence is made by the Head of State for section 2(1)(c) of the decree restricts the function of the commission (vis-à-vis the granting of licences) to merely “recommending applications through the Minister (of Information) to the President, Commander-in Chief of the Armed Forces for the grant of radio and television licences.” The decision to grant a broadcasting licence is thus a purely subjective one.

Although section 9(1) and (2) of the decree set out objective criteria (such as the corporate status and ownership of the applicant for a broadcasting licence, non-affiliation with any foreign interest, compliance with such objective criteria “shall not entitle an applicant to the grant of a licence”).

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

Establishments licenced to broadcast under the Decree No. 38 of 1992 are subject to strict monitoring and control by the Commission in relation to purely technical as well as editorial matters. Thus, the Commission is empowered to approve the transmitter power, the location of stations and areas of coverage of a licenced establishment, as well as to regulate the types of broadcast equipment to be used by it. Operators of licenced stations are obliged to make their broadcast facilities (including equipment and station logbook) available for inspection by the inspectorate staff of the Commission.

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

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

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

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

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

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

By section 2(1)(n) of the Decree, the Commission is empowered to apply sanctions, including revocation of licences of stations, which do not operate in accordance with “the public interest.” Since officers of government invariably perceive their interests as being synonymous with “the public interest”, sanctions are likely to be applied for purely political considerations.

In an apparent effort to strike a balance between political and religious interests, Section 10 of the decree precludes the grant of broadcasting licences to religious organizations and political parties. This, however, operates against the background of a public broadcasting system, including the Nigerian Television Authority (NTA) and the Federal Radio Corporation of Nigeria (FRCN), which is controlled by the federal government and which traditionally advances the political interests of officers of government or the ruling party.

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

Another of section of the Commission, which has received the objections of the private broadcast operators, is Section 13 (1)(e) and 14(2) which prescribe fees payable by licenced stations.

The wide spread fear is that, it could be used as an instrument of censorship by the NBC, which could arbitrarily increase these regimes of fees to serve political purposes. A recourse to the situation under the Wireless Telegraph Act Caps 469 Laws of the Federation, 1990 vesting the power to review fees on the national assembly would be most appropriate.

In addition to this, the NBC also requires all privately owned broadcast stations to pay 2.5 percent of their gross turnover as annual charges without regard to operational exigencies.

* **The NBC (Amendment) Decree No. 55 of 1999**

On May 26, 1999, three days before it handed over power to a democratically elected civilian government, the military regime of General Abubakar promogated an amendment to the NBC Decree No. 38 of 1992. By the amendment called NBC (amendment) Decree No. 55 of 1999, the following four functions were added to the original decree. The amendment decree gives the power to collect radio and television fees to the NBC, brought NTA under NBC authority, pegged local content of broadcast stations at 60 per cent and mandates the NBC to arbitrate in conflicts in the industry.

The power given to the NBC to collect television and radio licence fees was a fulfillment of the pledge made in this regard by the then information minister, Chief Nwodo (Jnr.) at the opening ceremony of the head office complex of MiNAJ Radiovision and several other forum.

But in doing this, the decree only left more confusion without successfully addressing the salient issues that the IBAN had along been calling attention to. The decree gives the power to collect these fees to the NBC contrary to the Constitution passed into law three days later which vest this responsibility on the local government. The area, among several others, that the IBAN had consistently called on the government to address is not just the collection of these dues, but how proceeds from the collection would be shared among broadcast stations, which are to benefit from it.

(2) The National Film and Video Censors Board Decree No. 85 of 1993

Despite many objectionable sections in the decree, the National Film and Video Censors Board Decree No. 85 of 1993, survived without amendment or repeal as the military handed over the reigns of power to a civilian democracy. The decree established the National Film and Video Censors Board charged with the duty of:

- Licencing persons to exhibit films and video works as well as premises for the purpose of exhibiting films and video works;
- Censoring films and video works;
- Regulating and prescribing safety precautions to be observed in licenced premises;
- Regulating and controlling cinematographic exhibitions; and
- Performing such other functions as are necessary or expedient for the full discharge of all or any of the functions conferred on it by the decree.

Underlying the decree is a fixation by the government of what kind of films should be produced. It then proceeds to compel the production of such films by legislation.

For instance, the Decree prescribes that in reaching a decision on a film, the Films Censors Committee should consider whether such a film “has an educational or entertainment value, apart from promoting the Nigerian culture, unity and interests”

It also requires that such a film should not “expose the people of African heritage to ridicule”.

Laudable as these objectives are, the manner of their inclusion shows a legal regime of censorship. The decree suggests that those who hold contrary views should not be allowed to produce films and that whenever such films are produced, the Film Censors Committee should not approve them for exhibition or distribution.

Even as the Nigerian film and video industry strives to overcome the severe limitations wrought on it by inadequate financing, and poor technological infrastructure, all these amounts to excessive censorship.

Much of the powers are open to arbitrariness and may be exercised based only on the personal discretion of members of the regulatory agency as the law provides no objective criteria for assessment of film and video works.

For example, despite the existence of the decree which gives the National Film and Video Censors Board the responsibility of regulating the industry, the Federal Ministry of Information and Culture, which is supposed, under the Decree, to have only one representative on the Board, virtually exercises the functions of the Board.

The Ministry frequently undermines the authority and independence of the Board. The Chairman and members of the Film and Video Censors Board are supposed to be appointed by the President (Head of State) on the recommendation of its Secretary. It is however unclear what the actual practice is.

Besides the manner of appointment, the composition of the Board as stipulated in the Decree does not enhance its independence. Section 3(1) of the Decree provides that the chairman of the Board “shall be an eminent Nigerian possessing sound knowledge of the Nigerian arts and culture and requisite experience in the film related industry or discipline.”

Other members are: a representative each of all the states of the Federation and the Federal Capital Territory, Abuja; a representative each of the Federal Ministries of Information and Culture, Education and Youth Development, Internal Affairs, and Nigerian Customs Service; a representative each of the Nigerian Police Force not below the rank of Superintendent of Police, the Federal Fire Service and the Nigerian Copyright Council.

The Board also has one person to represent each of the following interests - youth, women, Christian religion, Islamic religion and traditional religion; three other persons, one of whom shall be from any of the universities in rotation, with at least five years experience

in the film related industry or discipline to be appointed on personal merit; and the Executive Director of the Board.

The lack of independence is compounded by the absence of security of tenure for Board members. Section 4(2) of the Decree gives the secretary to the Board, with the approval of the President, a wide discretion to remove any Board member in a language which gives plenty of room for politically motivated dismissals.

The section provides that “The Secretary may with the approval of the President, Commander-in-Chief of the Armed Forces, at any time remove any member of the Board from office if the secretary is of the opinion that it is not in the interest of the Board or the interest of the public for the member to continue in office and shall notify the member in writing to that effect.”

The Board’s lack of independence is underscored by the fact that it had taken private initiatives to ensure that marketers, cinema halls, video clubs, video exhibition centres and other affected players in the sector comply with the minister’s directive to them to rid the sector of pornographic movies.

Film and video producers are also exposed to invasion of their privacy and therefore vulnerable to subtle pressures as the secretary to the Board is authorized under Section 6(1)(d) of the decree to “keep a record of all necessary information of a film or video producer whose work is to be distributed or exhibited in Nigeria.”

The decree lays down conditions under which an application for a licence to use a premises for purposes of film or video exhibition may be granted.

One of such conditions is that the Board must be satisfied that “the applicant is a fit and proper person to be granted a licence” - a subjective decision, which may be used to disqualify, perceived political opponents.

However, even where all the conditions have been satisfied, the decree gives the Board an unfettered discretion to refuse to grant a licence or at any time modify or vary the terms, conditions and restrictions of a licence already granted or to revoke the licence.

From the commencement date of the decree, which is August 25, 1993, any person who exhibits or allows a film to be exhibited without a censorship certificate issued by the Board is guilty of an offence and liable on conviction to a fine of N5,000.00 or to imprisonment for one year.

For the purpose of effectively discharging its functions under the decree, the Board is required to divide the country into such number of zones as it may deem necessary and each of the zones shall have a Zonal Film Censors Committee and a Zonal Video Censors Committee.

Section 37(2) of the decree further stipulates that the Committees shall not approve a film, which in its opinion depicts any matter, which is:

- Indecent, obscene, or likely to be injurious to morality;
- Likely to incite or encourage public disorder or crime; or
- Undesirable in the public interest.

The decree gives the Committees an “absolute discretion” to approve a film or video works unconditionally or subject to such conditions as it may impose.

By section 40(1) of the decree, “the Film Censors Committee may at any time order the withdrawal of a film from exhibition for the purpose of further censorship if it is satisfied that such withdrawal is necessary in the public interest.”

The decree prescribes one of five categories of classification for every film or video approved by the Film Censors Committee or Video Censors Committee, namely general exhibition; intended particularly for children; not recommended for children; for mature audiences; and restricted exhibition.

The classification of the film is to be stated in a certificate. However, an applicant who is aggrieved by a decision of the Film Censors Committee may appeal to the Board.

But the Board enjoys considerable protection against judicial proceedings.

Firstly, Section 14(1) of the Decree provides that “Notwithstanding anything to the contrary contained in any other law, no suit against the Board, a member or any employee of the Board... anyone in pursuance or execution of any enactment or law, or of any ... authority, or in respect of an alleged negligence or default in the ... such enactment or law, duty or authority, shall lie or be instituted unless it is commenced within 12 months next after the act complained of or in the case of a continuing damage or injury, months next after the ceasing thereof.”

The decree goes on to give the Board further protection by stipulating that no suit shall be commenced against the Board before the expiration of a notice of one month of intention to commence the suit shall have been given to it by the intending plaintiff or his authorized agent.

The required notice must clearly state the cause of action, the particulars of the claim, the name and place of abode of the intending plaintiff, and the relief's, which he claims.

The decree prohibits the issuance of any execution or attachment or such processes against the Board, thereby effectively barring the enforcement of any court judgment against the Board where it is unwilling to comply voluntarily.

All these are clearly in disregard of the various international and national instruments protecting freedom of expression of which the films and video serve to express.

(3) The Political Parties (Registration and Activities) Decree No. 35 of 1998

The domestic legislation and other provisions, which regulate the coverage of elections and politics, are directed principally at the broadcast medium. This is, perhaps, understandable, considering the widely held view that radio and television remain the most effective means of mass communication in Africa having regard to the high level of poverty and illiteracy.

The Political Parties (Registration and Activities) Decree No. 35 of 1998 gives radio and television the function of assisting members of the public in partaking of all ideas, ideals and experiences that help them live in a society that is humane and democratic. It requires that such radio and television programmes should influence members of the public to make living in society orderly and disciplined.

Under the decree, radio and television stations are to provide a forum for competing ideas and ideals to be traded freely and publicly and are also to assist and sensitize Nigerians in making the right political choices, which will help in bringing into being a good and accountable government.

The decree requires radio and television stations to allot time equally to political parties and candidates to market themselves. It also stipulates that the rates for commercials charged political parties should be the same.

It states that political party broadcasts should not exceed one hour per week per station, at pre-election times, or 30 minutes per week at other times. The duration of party talk is also limited to about 10 minutes, and preferably not more than 15 minutes.

The decree stipulates that the sale of airtime like jingles should not exceed 60 seconds and that no voice of a member of staff of the radio or television station is to be used in political jingles.

The decree reinforces the National Broadcasting Code which, contains a range of sanctions, which may be imposed on a station for any breach of the guidelines contained in it. These include the revocation of its license if it commits a serious breach of either the technical or non-technical aspects of the Code; reprimand or warning; light or heavy fine;

reduction of broadcast hours or suspension of license, depending on the gravity of the offence.

For live coverage, the Code stipulates in Paragraph 4.5 generally that live coverage of public events should be fair and balanced. But specifically, it stipulates that: “The live coverage of public events, especially of demonstrations and disturbances, shall be fair and balanced and just enough for the enlightenment of the citizenry. It shall not sensationalise or glamorise the event or exploit broadcasting’s unique advantages to the detriment of national interest and security.”

But it is note-worthy to point out that during the month of February 1999 the Independent National Electoral Commission (INEC) canceled a live television debate scheduled between the presidential candidates of PDP and AD/APP Alliance. This is contrary to provisions of Decree No. 35 of 1998, which in Paragraph 4.5 invest on the broadcast medium the duty to report on the political transition programme and especially encourage healthy debate among and between candidate standing elections.

To the extent that the ban on live debate was not premised on the maintenance of public order, protection of privacy or capable of eliciting religious, racial and national hatred, it is considered an attack on the press and an attempt to restrict the press access to political news sources.

The decree is highly restrictive as it stipulates that political parties broadcast should not exceed one hour per week per station, at pre-election times or 30 minutes per week at other times. The duration of party talk is also limited to about 10 minutes and preferably not more than 15 minutes. Virtually all broadcast stations risked the sanction and exceeded the set time frame. It was by sheer luck that they escaped the wrath of authorities.

Television Stations In Nigeria

Nigerian Television Authority

NTA Sokoto
 NTA, Awka
 NTA, Aba
 NTA, Uyo
 NTA, Yola
 NTA 10, Lagos
 NTA 12, Abeokuta
 NTA 2 Channel 5, Lagos
 NTA 5 & 7, Ibadan
 NTA 7, Lagos
 NTA 8, Enugu
 NTA Abuja
 NTA Akure
 NTA Bauchi
 NTA Calabar
 NTA Jalingo
 NTA Jigawa
 NTA Jos
 NTA Kaduna
 NTA Kano
 NTA Lokoja
 NTA Maiduguri
 NTA Makurdi
 NTA Minna
 NTA Port Harcourt
 NTA, Ilorin
 NTA, Owerri
 NTA Katsina
 NTA Kebbi
 NTA Benin
 NTA Yobe
 NTA Zamfara
TOTAL: 32

State owned station

AKBC TV, UYO
 AATV, Yola
 BATV, Bauchi
 BCA, 57 Abia
 BCOS 28, Ibadan
 BRTV, Maiduguri
 CRTV, Calabar
 CTV, Kano
 Delta TV
 ETV, Enugu
 Ekiti Vision
 EBS 55, Benin
 Gombe TV
 IBC TV, Owerri
 NBS, Nassarawa
 Katsina State TV
 Kebbi TV
 Kwara TV
 LTV, Lagos
 OGBC, TV, Abeokuta
 OSBC, Osogbo
 OSRC 23, Akure
 PRTV, Jos
 RTV, Port Harcourt
 TTV, Taraba
 Yobe TV, Yola
 ABSTV Awka
 Adamawa TV Corp.
 KSTV, Kano
 Bayelsa

TOTAL: 30**Privately owned Stations**

AIT, Lagos
 Channels TV, Lagos
 DBN TV, Lagos
 Galaxy TV, Ibadan
 MITV, Lagos
 Minaj TV, Lagos
 DTV, Kaduna
 MST, Obosi
 ITV, Benin

TOTAL: 9**Global Satalite Television**

AIT, Lagos
 MiNAJ, Obosi

Radio Stations in Nigeria**Federal Government-owned**

Radio Nig. 1, Ibadan
 Radio Nig. 1, Lagos
 Federal Government-owned
 Radio Nig. 2, Ibadan
 Radio Nig. 2, Lagos
 Radio Nig. 3, Lagos

State Government owned

ABC 1, Yola
 ABC 2, Yola (FM)
 State Government owned
 ABS, Onitsha (Am)
 AKBC, Radio, Uyo
 BCA, Umuahia

Privately owned

Cool FM, Lagos
 Minaj FM, Obosi
 Privately owned
 Ray Power,
 Rhythm 93.7, Lagos
 Ray Power 11,

Federal Government-owned

Radio Nig. Abuja
Radio Nig. Enugu
Radio Nig. Kaduna
Aso FM, Abuja

State Government owned

BCOS 1, Ibadan
BCOS 2, Ibadan
Benue Radio, Makurdi
Borno Radio, Maiduguri
BRC, Bauchi
Cross River Radio 2, Calabar
DBS FM, Asaba
EBS, Benin
Edo FM, Benin
Eko FM, Lagos
ESBC 1, Enugu
FM 93.5, Lafia
FM 94, Lokoja
FM 96.1, Enugu
FM 96.1, Kaduna
FM 98.1, Abakaliki
FM, Abia
FM, Bauchi
FM. Jos
FM, Kano
FM, Maiduguri
FM, Minna
GSBC, Gombe
IBC, Owerri
KBC, Kano
KSBC, Katsina
OGBC 1, Abeokuta
OGBC 2, Abeokuta
OSRC, Akure
Osun Radio (OSBC)
PRTV Radio, Jos
Radio Abuja (FM)
Radio Delta, Warri
Radio FM, Makurdi
Radio Jigawa
Radio Kaduna (KSMC)
Radio Kwara, Ilorin
Radio Lagos
Radio Rivers 1, PH
Radio Rivers 2, P.H
Radio Zamfara
Radio, Kebbi
Rima FM, Sokoto
TSBS, Jalingo
Voice of Ekiti
YBC, Yobe

Privately owned

Independent Radio, Benin
Jeremy Radio –Warri
Star FM, Lagos.

TOTAL: 9**TOTAL: 51****TOTAL: 8**

CHAPTER FOUR

ATTACKS ON THE PRESS IN 1999

Blood and Black Eye Analysis

The year 1999 was a very bad year for the Nigerian media in terms of the number of journalists who lost their lives in the line of duty. While 1998, with the strangulating and brutal repression that characterized its first half, witnessed loss of lives for two journalists and one media owner for reasons traceable to their professional practice and free expression issues, no less than six journalists and media workers lost their lives during the year 1999. These deaths occurred during the performance of their official duty and circumstances believed to be fall-outs of their journalism practice.

Among the journalists and media workers murdered in 1999 in the line of duty or as a direct consequence of their journalism practice were Alhaja Bolade Fasasi who was murdered in March 31 at Ibadan by yet unknown gunmen.

On April 8, a freelance journalist, Mr. Fidelis Ikwuebe, was murdered by one of the warring communities of Aguleri and Umuleri in Anambra East Local Government Area of Anambra State. The journalist was kidnapped along with several other persons while on assignment and sacrificed to a local diety at Umuleri.

Next was Mr. John Musa, a worker of The Standard newspaper killed on April 28 when policemen clashed with protesting Borno State workers. Musa was choked to death by the tear gas used by the police in dispersing the protesting workers.

During the following month of May, precisely on 22, a journalist and publisher of a Jos – based magazine, Details, was killed in Kafanchan in Kaduna State by rioters protesting alleged imposition of a new Emir on them in Jema'a.

On June 1, Eddie Ayo-Ojo, a journalist and publisher of the defunct magazine, The Pendulum, was found dead on the streets of Lagos beside his car with everything intact. The circumstances suggested that his death was not natural but the handi-work of assassins.

The last of the killings of journalists during the year was the case of Samson Boyi of the Adamawa State-owned newspaper, The Scope. He was killed on November 5 by armed bandits who attacked the convey of the Adamawa State Governor, Alhaji Haruna Bonnie, in whose entourage the journalist was.

Besides the cases of Alhaja Fasasi, where the police made a show of its desire to unearth her murderers by arresting and charging to court the former chairman of the NUJ, Mr. Lanre Arogundade, with clearly insufficient evidence, and Samson Boyi, where the Adamawa State Governor made a meager N100,000 donation to his family, no known investigation was conducted by the police into the killings of journalists during the year 1999.

In fact, for reporting the murder of Mr. Ikwuebe, a journalist with the Anambra State government owned newspaper, National Light, was ordered arrested and detained by the state military administrator, Navy Commander Emmanuel Ukuegbu.

Meanwhile, four of the six extra judicial killing of journalists took place during the five months that the military regime of General Abubakar held office in 1999. The other two murder incidents took place during democratic era. While one of the two killings under the democratic government was clearly accidental, the other, like all the four killings that took place during the military era, was clearly a premeditated attack which deserved investigations and apportioning of blames. But these were not forth coming.

Besides the six deaths recorded during attacks on journalists in 1999, there were six attacks which resulted in bodily harm. Eight journalists and two relatives of journalists were involved in the five attacks that led to bodily harm. Of the two non-journalists that fell victims, one was a journalist's wife and the other, his infant child.

Among the attacks which led to bodily harm were those on Mr. George Oji of THISDAY newspaper, his wife and two month-old child. They were attacked by protesters called out by the Committee for the Defence of Human Rights (CDHR), in response to the increase in the pump price of fuel in January 1999.

Another was an assault on Bukola Olatunji and Bunmi Awonaja of The Post Express and THISDAY newspapers respectively on March 2 by aggrieved primary school teachers protesting their shoddy treatment by the Lagos State Primary Education Board (LSPEB)

Others were the attack by armed bandits on the convoy of the Adamawa State Government which led to a journalist, Umar Mustapha, with the Nigeria Television Authority (NTA), Yola, sustaining injuries and the beating up by workers of Enugu State of a cameraman, during their November 18 march in commemoration of the 50th anniversary of "Iva Valley Massacre" by British colonial police.

During the year also, there were five attacks on journalists and media establishments, which resulted to damages to and loss of properties. These include the burning down of the house of a journalist, Mr. Ameh T. Ameh, at Mkpa Eto in Onna Local Government Area of Akwa Ibom State at which properties worth over N10 million were destroyed, robbers raid on the Chief Executive of Channels, Mr. John Momoh's house in Ikoyi, Lagos, THISDAY newspaper and National Encomium magazine.

Also, during the year 1999, there were at least 11 other recorded incidents of assaults on journalists, although these did not result in bodily harm nor loss of property. Seven of these assaults were by the state or State Agencies and security operatives. None of these 11 cases of assaults were also known to have been investigated by the police even when victims made reports. About 31 journalists were affected in the 11 recorded cases of assaults on journalists and media workers during the year which mercifully did not result in bodily harm nor damage to property.

Also, there were no less than 25 cases of arrest and detention of journalists and media workers by state security agents. In all, no less than 29 journalists and two media workers were victims of these arrests and detention. Scores of vendors were also arrested and detained during the year with 15 of them suffering this fate in one fell swoop in Nsuka, Anambra State, on December 6.

About 13 of the arrests and detention involving a total of 18 journalists and several vendors took place during the military regime of General Abubakar while the remaining nine cases of arrests and detention involving 11 journalists and media workers and at least 15 vendors took place during the civilian government of President Obasanjo. In all these cases, security personnel in various States as opposed to Federal government perpetrated the arrests and detention.

During the year also, a noticeable feature was the increase in the number of attacks on the media by way of legal action. This resort to the court for legal redress of perceived unfair reportage seems to be in line with the air of democracy pervading the land as opposed to brutality and resort to force that were the hallmarks of the military dictatorship. In all, there were no less than 20 suits. But nine of this suit were by top military and government officials and their claims run into millions on naira ostensibly aimed at psychologically censoring the journalists and as well threaten the very existence of the medium against which such claims are been made.

There were three instances of media censorship through policy decisions. These included the placement of newspapers and magazines under the Value Added Tax (VAT)

regime in the 1999 budget, the promulgation of an amendment (Decree 60) to the Nigerian Press Council Decree No. 85 of 1992 which seeks to register journalists and de-list “erring” ones, and the threat to close and actual closure of some broadcast medium by the National Broadcasting Commission (NBC) over non-payment of fees.

Similarly, during the year, there were 12 cases of denial of rights and privileges to journalists. This was mostly by media owners who refused to pay salaries and other entitlements of journalists forcing such journalists to threaten and, in some cases, actually go on strike, and the dismissal of some journalists for reporting opposition parties and views. Among these instances were the non-payment of salaries of journalists and media workers by Daily Times, New Nigerian, The Diet, Daily Sketch, Financial Telegraph and Evening Express newspapers.

There were no less than 38 instances of threat to life, operation and general intimidation directed at journalists and media groups by government officials, security agents or agencies as well as individuals and groups during the year 1999.

Attacks on the press in the form of seizure of publication, equipment and closure of media organisation recorded 11 instances. Some of these were the seizure of 80,000 copies of The NEWS magazine by policemen at Satellite Printing Press in Ogba, Lagos, on February 6, and the seizure of copies of Comics magazines in Maiduguri also in February. Others are the raid on the home of the publisher of Hotline magazine in Kaduna in June, the forced closure of Osun State Radio station by students of the State Polytechnic, Iree, on August 20 and police seizure of copies of TELL magazine on August 30 for publishing allegedly phonographic materials.

Similarly, were the closure on September 31 by the NBC of ‘Here and There’ television in Ibadan, the seizure by the Custom and Excise Department of 20,000 copies of Africa Today magazine because of an interview with a former Kaduna State Governor, Alhaji Balarabe Musa, published in the edition which customs officials in Lagos believed to be anti-President Obasanjo, and the confiscation copies of Newsbeat Extra newsletter in Gboko in Benue State as well as Ebonyi Times in Abakaliki by security officials for reasons of stories published by them considered offensive to government officials or threaten the security of Nigeria.

Despite the vanguard role played by the media in the struggle for the actualization of democracy, another worrisome form of attack on the press and media censorship that gained much prominence during the year was the denial of journalists of access to information and summons by various legislative houses across the country including the National Assembly, over stories published. There were no less than 16 incidents of this form of media censorship perpetrated during the year 1999.

All these put together represent the ugly side of Nigerian media general operating environment during the year 1999.

EXTRA JUDICIAL KILLINGS/MURDER

1. A female journalist, Alhaja Bolade Fasasi, formerly an official of the Lagos State Council of the NUJ, was on March 31, murdered by still unknown gun men in Ibadan the Oyo State capital. The assassination, which occurred at about 9.30 p.m. was said to have been carried out by three men in a V-Boot Mercedes Benz car.

Bolade, popularly known as “Iya Oyo” was a one-time treasurer in the Lagos NUJ and an active member of the National Association of Women Journalists (NAWOJ). She last worked full time as a journalist with the Economist magazine.

According to reports, the gunmen had accosted Alhaja Fassasi in the company of her lawyer whom she had gone to see over an undisclosed matter.

After the discussion, the two of them drove out together in the lawyer's car. Shortly after, the car was overtaken by another car, a Mercedes Benz, and forced to stop. The lawyer was asked to step out of the car.

The reports said that the gunmen produced a photograph of Fassasi and she was made to identify herself as the person in the photograph. The lawyer was escorted to an office beside the road where one of the assassins held a pistol to his head. Other members of the group, shot and killed Fassasi in the car. The lawyer was later released while the gunmen escaped without taking anything from the car, including the N59,000 she had with her at the time.

2. A Freelance journalist, Mr. Fidelis Ikwuebe, was on April 18 kidnapped and later murdered by one of the two warring communities in Anambra East Local Government area of Anambra State. The journalist, based in Onitsha, who contributed to The Guardian newspaper, met his death in the hands of members of one of the warring communities of Aguleri and Umuleri who had fought for about a week over a land dispute which started in 1995.

Also kidnapped along with the Mr. Ikwuebe were several other persons, including a Divisional Police Officer (DPO), Mr. Peter Udekwe, said to be in-charge of Ezenifite in the Nnewi South Local Government Area and two National Electric Power Authority (NEPA) staff carrying out maintenance work at Otuocha. They were all later sacrificed to a local deity at Umuleri. The slain journalist was said to be on assignment when he was kidnapped and later killed.

Despite the wide condemnation of Ikwuebe's murder and call by various organisations on the government of Anambra State to institute a probe into the circumstances and people responsible for the heinous crime, the State Military Administrator, Wing Commander Emmanuel Ukaegbu, did nothing.

3. A media worker, John Musa, was killed in Maiduguri, Borno State, on April 28 1999, when policemen clashed with protesting Borno State civil servants who were on strike to press for a N3,000 minimum wage. Musa was a member of the circulation staff of the Jos-based Plateau State Publishing Company, which publishes The Standard newspaper. Musa was described as an asthmatic patient.

According to news reports, late Musa was said to have been choked to death by the teargas used by the Police in dispersing the protesting workers.

4. A journalist and the publisher of Details magazine based in Jos, Mr. Sam Ninta Jan, was killed on May 22, in Kafanchan, Kaduna State, in the disturbances precipitated by the official installation of Alhaji Isa Mohammadu Mohammed as new Emir of Jema'a. Reports said Jan was cut several times by rioters before he slumped. He died from excessive bleeding.

The crisis in Kafanchan was said to have been caused by the succession bid by Alhaji Mohammadu to the emirate throne vacated by his father Isa Mohammed, who died earlier in the year.

The indigenes of Southern Kaduna in Jema'a Council had addressed a press conference to reject the ascension to the throne, denouncing rule by the emirate system. But they were opposed by the Hausa who insisted that their forefathers had lived there for more than 200 years.

There was no known police investigation into the incident until the end of the year.

5. A journalist and publisher of the defunct *The Pendulum* magazine, Mr. Edward Olalekan Ayo-Ojo, was on June 1, found dead in the early hours of the morning in a Lagos street with a novel lying on his chest. He was apparently murdered.

His lifeless body was found lying in a gutter beside his Mercedes 230 car on the sidewalk along Omole Estate in Ojuda and his car radio was on at the time of the discovery of his body. No part of his car was tampered with.

The late journalist, better known as Eddie Ayo-Ojo, once worked with the defunct *Classique* magazine as Associate Editor.

Eddie's *The Pendulum* which came out only once during the hey days of late General Sani Abacha's dictatorship, carried the story of an alleged visit to Cameroon by a National Democratic Coalition (NADECO) Lt. General Alani Akininninade (rtd.) Until his death, he worked as a freelance journalist with his feature articles published in many national newspapers.

Despite the obvious signs that the death was not natural and calls by several persons and groups on the government to institute a probe to unveil the circumstances surrounding his death, no such probe was ever conducted.

6. A 37 years old photojournalist, Samson Boyi, of the Adamawa State-owned newspaper, *The Scope*, was killed while Umar Mustaphar, a reporter with the Nigerian Television Authority (NTA), Yola, sustained bullet injuries on November 5, 1999, when unidentified armed bandits attacked the convoy of the Adamawa State Governor, Alhaji Haruna Bonnie. Governor Bonine was on his way from Yola to Bauchi. The journalists were attached to the governor's press crew.

The bandits numbering about 30 swooped on the governor's convoy at about 5.30-p.m. shooting at the pilot car. The governor's security responded and it was during the exchange of gunfire that the Peugeot 504 Station wagon carrying the press crew was hit by the bandits' bullets.

ATTACKS LEADING TO BODILY HARM

1. On January 4, a journalist with *THIS DAY* newspaper, Mr. George Oji, his wife and two-month-old son escaped death when rioters pounced on his car at Yaba, Lagos.

Oji had gone to the Military Hospital, Yaba, to inoculate his son when he got caught up in the early morning uprising against the increase of the pump price of fuel that greeted Lagos. Though Oji and his family sustained only minor injuries, his car was badly damaged by the rioters.

Narrating his ordeal, Oji said: "By 10.15 am ... I was caught up at the Jibowu area of Yaba by some angry protesters. My appeals to them that I am a journalist, pointing at the press sticker on my windscreen to substantiate my claim could not assuage them. Even my two-month-old son whom I tried to use as shield could not convince the angry protesters.

"Just then the protesters whose ages ranged between 17 and 35 years descended on us. They stripped off my wife's wristwatch, snatched her handbag which contained a lot of her valuables, including money. They also attempted to take my wristwatch and my wedding ring. Fortunately, the watch fell in the floor of the car.

"As if that was not enough, they attempted forcing themselves, into my car. At that point, I had to zoom of the scene at the risk of injuries to some of the protesters.

"Next they began to haul missiles at me in the process breaking my side screen and damaging other parts of the car. Some 'missiles' also hit my child and wife."

2. Education reporters of The Post Express and THIS DAY newspapers, Bukola Olatunji and Bunmi Awonaya, were beaten-up by protesting primary school teachers on March 2, at the premises of the State Primary Education Board (SPEB), Maryland in Lagos.

The reporters along with Rotimi Oyekanmi of The Guardian had gone to cover a rally organised by the National Union of Teachers (NUJ) to protest the non-implementation of the minimum wage of N3,000.00

After the reporters had interviewed officials of the union, policemen from the “Area F” command in Ikeja, led by Superintendent G.C. Echemazu, came to address the teachers, but was not allowed to talk. As Echemazu made to leave, the journalists decided to leave with him.

As they moved amongst the crowd, someone shouted: “Omo Asalu ni won” (they are Asalu’s children - Mrs. Julie Asalu is the chairman of SPEB which teachers accused of insensitivity).

The teachers then descended on the journalists raining blows on them. They attempted to strip the journalists of their clothes. One of the teachers lifted a bucket from the ground and hit Olatunji on the forehead with it.

The teachers who mistook the journalists for SPEB officials would not listen to their shouts of “we are journalist!” They were set to beat them along with Mrs. Onibokun, one of the caterers with the SPEB.

Eventually, one of the teachers saw Olatunji’s ID card which had fallen on the ground. The man took the ID card and climbed a nearby tree to wave it at the crowd. It was only then that the teachers began to beat a retreat. The journalists were then led through a back gate that led to the Maryland Shopping Complex by Mrs. Onibokun, three male teachers and a law enforcement agent that came to the scene.

3. On October 12, Eddy Odivwri, a journalist with THIS DAY newspaper, was attacked and injured by thug allegedly hired by some people on that day during NUJ Lagos State Chapter elections. Eddy was beaten and hit several times on his head with a broken bottle. He sustained severe injuries to his head and body and his bag containing personal effects, a wrist-watch and four thousand naira cash were stolen from him.

4. Umar Mustaphar, a reporter with the Nigerian Television Authority (NTA), Yola, sustained bullet injuries on November 5, 1999, when unidentified armed bandits attacked the convoy of the Adamawa State Governor, Haruna Bonnie. Governor Bonnie was on his way from Yola to Bauchi. The journalist was attached to the governor’s press crew.

The bandits numbering about 30 swooped on the governor’s convoy at about 5.30-p.m. shooting at the pilot car. The governor’s security responded and it was during the exchange of gunfire that the Peugeot 504 Station wagon carrying the press crew was hit by the bandits bullets.

5. Workers in Enugu State, who on November 18, 1999 marched through the streets of Enugu in commemoration of 50th anniversary of “Iva Valley Massacre” by British colonial police in November 18, 1949, beat up a cameraman to a state of coma.

Some journalists had hired a photographer to take photographs of the protesting workers who were carrying a coffin adorned with the photograph of the State governor, Dr. Chimaroke Nnamani. When the workers discovered they were being photographed, they abandoned their coffin and rushed to attack the photographer whom they beat up, seized his camera, removed and destroyed the film.

6. An Ibadan based journalist and public relations consultant, Mr. Femi Adegoke was on December 7, attacked and beaten by a staff of Co-operative Bank Plc. According to Adegoke, a driver with the bank, Tunde Aremu, assaulted and battered him, along University of Ibadan Bodija road while driving the Bank's 504 Peugeot station wagon with registration No. PF 421SPY.

Adegoke alleged that the driver of the vehicle had over-taken his car and accused him of failing to pull off the road fast enough when he heard the siren of the bank's vehicle.

According to him, immediately the driver parked the vehicle, he alighted brandishing horsewhip and began to whip him viciously inside his car in the presence of passers-by and other on lookers.

ATTACKS LEADING TO DAMAGE / LOSS OF PROPERTY

1. On January 9, property valued at over N10 million were destroyed during the governorship election when a residential house belonging to a journalist, Mr. Amah T. Amah was set a blaze.

The incident took place Mpka Eto in Onna Local Government Area of Akwa Ibom State. It was said to have been the handiwork of party thugs from a neighbouring village who took the opportunity of the absence of the journalist who had gone on national assignment, to wreak havoc.

Amah, who was the national secretary of the Nigeria Union of Journalists (NUJ) national secretariat, Abuja, explained that his presence in the state during the election as the co-ordinator and member of the labour election monitoring group, was misinterpreted by the assailants to mean partisanship, with the opposing party.

According to Amah, the thugs, operating under a perceived influence of hard drugs, on arriving at the house, threw out his aged mother, poured petrol all over the place and set it ablaze.

Amah accused a prominent traditional ruler in the area of instigating the arson saying he had tried during the election to use his influence to force people to vote for candidates he imposed on them.

According to Amah, on encountering opposition from other voters, among them Amah's brother, Joseph, the Chief allegedly ordered his thugs to "Joseph's house" and set it ablaze as a warning to others.

Joseph was said to have rushed to call the police to maintain law and order at the polling station, ignorant of what the thugs were doing to his brother's house.

Amah said that his mother was left with a broken wrist and some serious machete cuts in an attempt by the thugs to "mercifully" force her out of the burning building.

2. The Managing Director and Chief Executive of Channels Television in Lagos, Mr. John Momoh, was on January 14, attacked by armed robbers. The robbery took place at his Dolphin Estate home, Ikoyi, at about 8.30 am.

The robbers gained entrance into the compound when Momoh's driver was about to enter after dropping off his children at school. The robbers carted away his 505 car, personal effects and an undisclosed sum of money. Nobody was, however, hurt.

It was the quick intervention of men of the Nigerian Police Force that eventually led to the recovery of the vehicle the following day.

3. In circumstances that suggest deliberate and premeditated operation, armed bandits raided the offices of Leaders and Company Limited, publishers of This Day newspapers in the early hours of October 21.

The bandits armed with various dangerous weapons like guns and machetes, raided the offices of This Day in Ikeja at about 2.00 a.m. They inflicted injuries on two members of staff, a security man and a lithographer, who were on duty at the time of the incident. The bandits numbering about six were said to have jumped over the gates leading to the streets to gain entrance.

According to a statement issued by the company's Executive Editor, Mr. Aduba Okagbue, "they had accosted a reporter on his way to one of the office buildings and led him back to our head office at number 9, Yinusa Adeniji Street, at gun point. On getting there, all the staff on duty were forced to lie face down on the floor, while the bandits ransacked everywhere, collecting personal effects and other items of value, shouting "Where is the safe? 'Where is your chairman?'"

At the end of their operations the robbers proceeded to the lithographic department in another building from where they moved again to the circulation offices on Toyin Street. At all the points they raided, they wreaked havoc.

Two staff who were on duty who had access to the telephone called the police who arrived shortly afterwards, when the robbers had left.

4. Money and personal effects worth more than one million naira were on December 13, 1999, taken away by armed robbers who raided the offices of Encomium Ventures, publishers of National Encomium and Reel Stars magazines on Thomas Salako Street, Ogba in Lagos. Two people, among them an editorial staff, Remi Adelowo, were injured.

The armed gang of five walked into the office at about 5.00 p.m. and held the staff, clients and children around to ransom at gun-point for over 25 minutes when the operation lasted. They raided both the Marketing and Accounts Departments where no less than N600,000 in cash was stolen.

The robbery is believed to be based on an insider's tip-off regarding the office activities. The date and time the robbers struck raised much suspicion as the accounts department was said to be in possession of the Christmas bonus pay for staff while the marketing department normally receive payments for fresh editions on Monday evenings. These explained why so much cash was available when the robbers struck.

5. Journalists covering the state house, Abuja were on December 21, 1999 assaulted by security officers while covering a protest match by Nigerian workers under the aegis of the Nigerian Labour Congress (NLC).

During the peaceful demonstration by the workers who were protesting the proposed increase in the prices of petroleum products, scores of journalists, mostly photojournalists and cameramen, were attacked by the security operatives. Timothy Ikhuomenisan, with the National Times, had his camera damaged and seized; Adeshina Abayomi of Vanguard also had his camera seized; while Yakubu Ellams of Africa Independent Television (AIT), had the tape on which he had recorded for over an hour seized after struggling with security operatives for his camera.

Also, on sighting a reporter jotting down some notes, one security officer referred to as Kayode by the Special Adviser to the President on Media and Publicity, Dr. Doyin Okupe, kicked her on the knee and queried: "You idiot, what are you writing?". Another female reporter, Hafsat Alli, was also slapped for attempting to take shots of the security agents' activities.

The security operatives under the command of the Chief Security Officer to President Olusegun Obasanjo, Mr. Sholeye, refused to return the cameras and tapes. It is feared that the security men may have tampered with the films in the cameras and wiped off the recorded materials on the tapes.

ARRESTS AND DETENTION

1. The publisher of Prime Sunset, a Lagos based afternoon newspaper, Mr. John Edward, was on February 6, arrested by the police in Lagos.

The publisher, who has his office on Agidingbi Road in the Ikeja area of Lagos, was arrested and taken to Satellite Press for a search for films and plates of his publications.

The reason for his arrest was not made known to him but it is believed to have been ordered by Alhaji Ali Jos, an Assistant Inspector General of Police Zone 2.

2. Policemen in Lagos on February 8, arrested Mr. Idowu Obasa, the General Manager of Independent Communications Nigeria Limited (ICNL), publishers of The NEWS magazine.

Also arrested were the managing editor, Mr. Babafemi Ojudu; the press manager of 24 hours Press owned by ICNL, Mr. Wole Odofin; and the chairman of The News chapel of the Nigerian Union of Journalists (NUJ), Mr. Tajudeen Suleiman. No reason was given for their arrest, but the journalists were released later that night.

The News had, prior to the arrest, been at the receiving end of police attacks. On February 6, 80,000 copies of its edition with the date February 15, which would have been on sale the following week, were seized by the police at Satellite Printing Press.

The company in a statement said that it had concluded plans to institute a N10 million suit against the police over the seizure of its magazine.

The statement added that it had instructed its lawyer, Mr. Femi Falana, to file a case on its behalf at the Ikeja High Court, Lagos.

3. Three men who claimed to have come from the Lagos State Special Anti-Robbery Squad (SARS) of the state police command in Ikeja, on February 11, arrested the Chairman of Lagos State Council of the Nigeria Union of Journalists (NUJ), Mr. Lanre Arogundade.

A statement by the union's second vice chairman, Mr. Kehinde Bamigbetan, and the acting Assistant Secretary, Mr. Nick Nwafor, said the policemen who called at Arogundade's house at Alagbado, a suburb of Lagos, claimed "they were acting on a petition written by an expelled executive member of the council, Mr. Lawrence Ojabo".

Explaining his ordeal in a note he left behind for his wife, Arogundade stated that at about 7.00a.m the previous day, he was woken up by a loud bang on his door by the policemen, who said they were from the Special Anti-Robbery Squad of the state police command, Ikeja.

The policemen reportedly said that they had come with an order to arrest Arogundade following a petition against him.

According to Arogundade: "Because of the crisis within the union, I told them that I was not inclined to follow them since my life had been under threat for some time now. They hinted that the petitioners may be my political opponents within the union.

"It is on record that the police have not acted with dispatch on the various petitions we have sent on threats to our lives, theft of the N8million, damage to our union vehicles, etc.," Arogundade alleged in his note. Mr. Arogundade was questioned at the police station and later released.

4. Mr. Onyena Okenefure, the Editor of Prime Sunset an evening tabloid was on February 13, arrested for allegedly extorting N5,000.00 as bribe from a food seller, Alhaja Mulikatu Agoro, of No. 2, Agbelekalé St, Mafoluku, Oshodi – Lagos. He was taken to the Police Force CID Pantí where he was detained.

Mr. Okenefure was alleged to have visited the woman and demanded the bribe to help her change the impression already created by the day's front page story captioned "I sell human meat to food sellers". Alhaja Agoro said she requested him to come the next day for the money which he did and was arrested.

Okenefure was later on February 22, charged before and an Ebute-Meta Chief Magistrate Court on a one-count charged of extortion.

During the proceedings, Alhaja Agoro who was the principal witness in the case, had admitted that she did not give any money to the accused person. She said she had only handed over the money meant for the accused to the police for onward transmission to him based on an agreement she had earlier reached with him.

In his "no case" submission at the end of the prosecution's case the defence counsel, Mr. Nasir Salau, argued that under Section 286 of the Criminal Procedure Law, a "no case" submission will be upheld (a) when there has been no evidence to prove an essential ingredient of the alleged offence; (b) when the evidence of the

prosecution witness has been discredited as a result of cross examination, or is so manifestly unreliable that no reasonable court of law or tribunal could safely convict on it.

In her ruling on November 26, the Chief Magistrate, Mrs. J.O. Oshinowo, while upholding the submission of the defence counsel to the accused, stated that "the prosecution has failed to establish the ingredients of the offence under section 98(1) of the criminal code which are that the accused person is in the public service of the state or Federal Government. She then discharged and acquitted Mr. Okemefune of the alleged extortion offence.

5. Armed security men stormed the headquarters of Edo State government-owned Observer newspaper on February 26, and took away the general manager, and one of the editors, for publications allegedly undermining the General Abdulsalami Abubakar's transition programme.

Prince Idu Akenzua and Richard Amayo, general manager and editor (daily), respectively, were reportedly seized and bundled into a dark blue Peugeot 504 station wagon with registration number EDGH 45 by a combined team of soldiers, State Security Service (SSS) and naval personnel, who raided the Airport Road, Benin City premises of the company at 12.30p.m.

They were taken to the Government House on Dennis Osadebay Way, G.R.A., Benin.

The arrest was in connection to a story published by the newspaper of the report of the European Union (EU) Observer team, which uncovered rigging in the February 20 National Assembly polls.

The arrest of the two men was the climax of their travails in the hands of the state government - their employers - which began on February 25. Letters signed by the Permanent Secretary in the Ministry of Information, Mr. Daniel Inneh, and delivered to them on February 25 had directed the two officers to proceed on indefinite suspension without pay.

Just as the workers pondered what to do, a court bailiff came in to impound the GM's Peugeot car in execution of a N250,000 judgment debt, but the workers prevented him from carrying out his mission as they shut the company's gates.

In the letter suspending the two key officers of the newspaper, the Information Commissioner, Mrs. Lola Ebueku, asked them to state why disciplinary action should not be taken against them for the publication.

They were returned to the newspaper premises around 2.00p.m to pick some documents.

Sources said government considered the publication an embarrassment. But other newspapers and broadcast medium also published the EU observer group comments without any negative consequences.

6. Mr. Bayo Ewuoso, a photojournalist, had a rough time in the hands of some military personnel on March 3. He was arrested, detained and tortured by them because a lady who claimed to be the daughter of General Domkat Bali (rtd), former Defence Minister, accused him of snatching her necklace.

Mr. Ewuoso was returning from visiting his brother at Yaba, in Lagos and was sitting in a commercial bus when the lady, who also claimed to be a medical doctor, and two soldiers, accosted him and dragged him down. He was forced into a waiting Peugeot 505 saloon car.

He was driven to the Military Base Hospital at Yaba where he was severely beaten by soldiers and the commandant of the hospital. Mr. Ewuoso alleged he was chained, on both hands and legs like a criminal and detained in a military cell.

All his denials of the alleged offence, pleas of innocence and self-introduction as a journalist were ignored. He was kept in the cell till March 4 when he was allowed to send word to his brother and professional colleagues.

He alleged that the Base Commandant had attempted to kill him during the night but he was saved by the fact that a shot at him by the Base Commander missed target.

He was only temporarily released to his brother at about 5.00p.m. on March 4 and asked to report back to the RSM.

When the case was eventually disposed of, he was neither charged to court, given any explanation nor apology for the humiliation, arrest, detention and torture.

7. Mr. Emeka Mamah the Chief correspondent of the Vanguard newspapers, in Enugu, was on March 10, arrested by an officer of the State Security Service (SSS), on the orders of the state Administrator, Navy Captain Adewunmi Agbaje. Mamah was arrested at about 2.30 pm from the Vanguard office in Enugu and taken away in a Nissan car with registration number (Enugu) AA 285 UWN to the Government House.

His arrest, effected by a plain clothe detective who identified himself as Mathias, elicited curiosity amongst other journalists who trooped to Government House to ascertain the cause of his arrest.

Although no official reason was offered for the correspondent's arrest, investigations indicated that Mamah's ordeal was not unconnected with a news story

titled; Thieves Raid Enugu Administrator's Home, authored by him and published in the Vanguard of the previous day, March 9, 1999.

The news story said that electronic equipment including television sets, fax machines, typewriters and video machines worth millions of naira were allegedly carted away from the official residence of the administrator while he was away in Abuja.

Speaking to newsmen in his office, the Chief Press Secretary to the Military Administrator, Mr. Reginald Okochi, expressed dismay at the story, saying that no robbery incident has been recorded at Government House as alleged in the publication.

He said that it was unprofessional to carry a story of that magnitude from Government House without cross-checking the facts from his office and enjoined journalists to always endeavour to authenticate their stories to avoid unpleasant circumstances in future. Mamah was released several hours after his arrest and after the security-men had taken the N500.00 on him.

But events were later to prove that the story was true and, indeed, the handiwork of some government officials who used the opportunity of the impending change of government to steal government properties.

8. Newspapers vendors at the domestic wing of the Murtala Muhammed Airport, Ikeja, Lagos on March 22 levied allegations of harassment and extortion against security operatives of the Federal Airport Authority of Nigeria (FAAN), and men of the Nigeria Police Force.

The vendors' representatives, who visited The Punch and National Concord in protest, claimed that they had been going through series of harassment from the security men since October 1998.

Speaking for the three-man delegation, Johnson Ogunrobo, Secretary of the Airport branch of Newspaper Distributors Association of Nigeria (NDAN), said that it started October 1998. "The FAAN security men will just come and pick us with our papers, take us to their office, giving us severe beating", he complained.

Ogunrobo said that after this inhuman treatment, the arrested vendors were often transferred to the Police Post at the Airport or Beesam police station at Mafoluku near the airport, where they were usually detained and released after paying certain amounts.

"They would transfer us to the police stations. There, we bail ourselves with the sum of N2,000.00 each. We will also give the investigating police officer N500", Ogunrobo alleged.

He said anytime the money was not given on time, the vendors were detained for as long as four days until they could raise the amount, which they said, had become "the standard ransom price".

The vendors also complained of pilfering of their wares at the police stations. "Some of our papers, especially, the magazines are never returned", said Ogunrobo.

Apart from financial loss arising from papers rendered unsaleable due to long delay in police custody, the delegation, including Christopher Chiabua and Alex Tony Opara, said that the FAAN security operatives also used touts in the airport's vicinity to hound them.

9. A team of Dutch Television journalists were on March 27, detained by security operatives of the Rivers State Special Anti-Robbery Unit "Operation Flush".

Shuchen Tan and Hans Fele, producer and editor/cameraman, another journalist from the Dutch Vipro-Televisie, and another colleague were reportedly arrested in Port Harcourt, Rivers State and interrogated for over four hours.

The team arrived in the country to monitor the February 27 Presidential elections and have a feel of the Niger Delta situation. Their arrest prevented them from traveling to Warri to visit embattled oil producing communities.

According to a spokesman for the a Port Harcourt-based human rights group, Environmental Rights Action (ERA), Mr Oronto Douglas, "at about 1:30p.m. on Saturday, one of us went to pick them (the three journalists) from the Hotel Presidential, but they were not there. We waited for them up till 2:00 p.m. Later in the evening, the journalists phoned to report that they were arrested by Operation Flush that afternoon and detained".

Douglas added that the journalists were allegedly questioned on their mission in the country long after elections were concluded.

10. A journalist with the Anambra State government-owned newspaper National Light, Mr. Nnamdi Chukwujindu, was on April 12 flogged and detained by security men at the Government House on the orders of Ft. Lt. Chukwu, the aide-de-camp to the then Military Administrator, Wing Commander Emmanuel Ukegbu.

The flogging and detention was in connection with a story written by the journalist on the magnitude of violence in the warring communities of Umuleri and Aguleri in Anambra East Local Government. The intertribal war claimed over 500 lives, including that of a freelance journalist, Mr. Fidelis Ikwuebe, who was kidnapped and murdered in cold blood by the people of Umuleri, one of the warring communities.

Reports said the State Military Administrator, who felt enraged by the report of a journalist being among those so far killed in the war, ordered his ADC to teach Nnamdi a lesson.

11. The police on April 18 arrested a Lagos journalist, Mr. Lanre Arogundade, a senior member of the Editorial Board of Vanguard and a factional leader in the crisis that was rocking the Lagos State Council of the NUJ.

Arogundade was arrested by two detectives from the Anti-Robbery Section of the Oyo State Crime Investigation Department (CID) who identified themselves as Samuel Akpoture and Mr. Peters. He was arrested on allegation of complicity in the assassination of Mrs. Bolade Fassasi, a journalist and former Treasurer in the Council between 1995 and 1997. Yet unknown assailants murdered Fassasi on March 31, at Ibadan the Oyo State capital. Arogundade, before he left with the policemen, sent a note to NUJ officials. On the note, he wrote: "I believe this is another frame-up by my political opponents in Lagos NUJ. The policemen claimed they were investigating the killing of Bolade Fassasi, former Treasurer of the council with which I had nothing to do absolutely whatsoever."

12. In what seems a bullish all-out attack, Ft. Lt. Emmanuel Chukwu, the aide-de-camp to the Anambra State Military Administrator, Wing Commander Emmanuel Ukaegbu, for the second time in the month of April ordered the arrest and detention of a journalist.

The journalist, Mr. John Uba, who covers the State House was detained in a cell for one day by security men in the Government House on the orders of Ft. Lt. Chukwu, for requesting that a vehicle be provided for the press crew to cover the administrator's assignment.

The State chapter of the NUJ, in a statement reacting to the detention and an earlier one involving a reporter with the state-owned National Light newspaper, demanded for an immediate and unreserved apology to be written to the affected journalists. The statement noted that the Union was worried that at a time when the head of state was labouring to sensitise the coarse and brutish ways and image of the military, some of them are frustrating such efforts.

13. The editor of Weekend Diet, Mr. John Osaze-Langley, was on May 1 arrested at the company's premises in Sabo -Yaba, Lagos. The arrest was effected by two plain clothed policemen from the Anti Fraud Unit of the Criminal Investigation Department (CID), Alagbon in Lagos at about 2.30 p.m.

A statement signed by the Deputy Editor, Mr. Nath Omame Jnr. said Mr. Langley was interrogated by a chief superintendent of police (CSP) and later released on personal recognition after making a written statement. His arrest and interrogation were as result of a story published by the newspaper on why the Inspector General of Police (IGP) Alhaji Ibrahim Coomasie retired. The policemen who effected the arrest started their hunt for the editor on April 31. The arrest was said to have been ordered from Abuja.

After his release, Langley was asked to report back in company of Mr. Alex Otudor, the police and defence correspondent of The Diet who wrote the report, to verify the authenticity of the story. Langley, who showed up in the office at 1.30pm on May 4, said he was interrogated for four hours.

14. Mrs. Ganiat Ajoke Adedayo was arrested and detained for two days by policemen of the Festac Police Station in lieu of her husband, Mr. Wale Adedayo, a journalist and former staff of The Guardian newspaper and later associate editor of Conscience International magazine who had a misunderstanding with the publisher of the magazine which he worked for.

According to Mrs. Adedayo, on June 18, 1999, at about 3.00p.m, Police Officer Ohida, claiming to be from Festac Police Station, led three others to her house at Tablet Villa, Dosumu Street, Ilaro. They claimed to be in search of a computer allegedly stolen by her husband. Without a search warrant, they ransacked her apartment but found no computer. At the end she was arrested and taken to Lagos. But instead of being taken to the Police Station, she was taken to the house of Chief Ogundokun.

According to her, at the behest of Chief Ogundokun, Ohida, with a gun in hand threatened to kill her, if she did not implicate her husband despite her cries and protestations. Having extracted the confessional statement she was taken to the Police Station and detained.

She was later taken to the Durbar Hotel where Chief Ogundokun lodged. The following day, the police took her to Ilaro in search of her husband, which yielded no result. Upon being brought back to Lagos, she was again first taken to Chief Ogundokun in his house before being further detained at the Festac Police Station. She was granted bail on the second day of her arrest following the intervention of her father and her lawyer. She was not charged to court for the commission of any crime.

Owing to the physical, emotional, mental and psychological trauma she was subjected to, she lost the four and a half months old pregnancy two days after being released.

15. Mr. Adewale Adedayo a journalist who was formerly a staff of The Guardian and later associate editor of Conscience International magazine, was on June 20, arrested and detained for six days by the Festac Police Station at the behest of Chief Ayo Ogundokun. Chief Ogundokun was the publisher of the defunct Conscience International magazine.

Mr. Adedayo, whose wife had earlier been arrested in his stead while he was away on a trip to the Northern parts of the country, was accused of stealing money and a computer laptop property of Chief Ogundokun.

But Mr. Adedayo alleged that the accusation is as a result of a working relation gone sour between him and Chief Ogundokun. According to Mr. Adedayo, in a petition sent to the Commissioner of Police, Lagos State, he was introduced to Chief Ogundokun in London in April, 1999. Chief Ogundokun subsequently offered him a job as associate editor of Conscience International magazine and then bought him a ticket to come to Nigeria and resume duties, which he did on May 3, 1999.

He explained further that barely four weeks into his return to Nigeria, he became disillusioned with the job due to some objectionable conduct of Chief Ogundokun, which bothered on private matters and issues related to Nigeria's national security. Matters got to a head between them on June 15, 1999, when he (Adedayo) decided to resign from the employment. This was the beginning of his problem with Chief Ogundokun and the officers of Festac Police Station. It was the desperate efforts to arrest Mr. Adedayo that led to his wife being arrested in his stead in his absence.

16. In an operation reminiscent of the military era, Mr. Adewale Adeoye, Assistant News Editor of The Punch newspapers and Chairman of Journalists for Democratic Rights (JODER), was on June 25, assaulted and arrested, along with some innocent citizens, by policemen of the 'Rapid Response Squad' (RRS), the Lagos State security outfit inherited as 'Operation Sweep' by the government of Governor Ahmed Bola Tinubu.

Men of the RRS arrested Adeoye along with 16 other persons, at Ketu market in the outskirts of Lagos without giving any reason for their arrest. In spite of his identifying himself as a journalist, he was beaten, wounded and later detained at the Ogudu Police Station overnight till late afternoon of the following day. He was denied food and water during his incarceration.

There, Adeoye bled all through the night as he was not given any medical attention, even to check the flow of blood from his bleeding ear. The bleeding only stopped by providence the following day after it clotted.

While in the cell, the journalist reported that policemen came to ask detainees for bribes to secure their release. The journalist also said that he gathered, while in detention, that the sort of raid during which he was arrested was a frequent occurrence. The policemen did that from time to time to extort money from citizens, usually between N2,000.00 to N4,000.00. He reported one of the officers threatening the detainees “you better cooperate, if not, we will charge you for robbery. All of you will just die.”

When it became apparent that the journalist would not cooperate, he was asked to bail himself. He signed his bail form and as well stood surety for himself.

When he was finally let off, the sum of Two Hundred Naira (N200.00) was taken from the total of Six Hundred and Sixty Naira (N660.00) on him. The officer in charge that took inventory of the money found on him had recorded only N460.00. Again, his pair of sandals, which were taken from him, was not returned to him. He had to walk bare-footed to the bus stop and in pains from where he went to Holy Trinity Hospital in Ikeja for treatment.

Adeoye said his investigation while in detention revealed that most of his 35 co-detainees were arrested in the similar manner as himself and some had spent more than 30 days in detention without being charged to court. Those who were able to send messages to their families to pay for their freedom were released the same day as the pressman.

The journalist petitioned the Lagos State Governor, Senator Ahmed Bola Tinubu, to seek redress and bring to his notice the nefarious activities of the state’s security personnel, but nothing was done. Media Rights Agenda (MRA), eventually filed a case on his behalf seeking the enforcement of his fundamental human rights which resulted in the Court awarding Mr. Adeoye the sum of N300,000 which uptill the end of the year had not been paid even though the police did not appeal against the judgment.

17. Mr. Tokunbo Fakeye, the Head of Defence and Crime of a Lagos based evening tabloid, Evening Express, was on July 12 arrested by Police Detectives from the Lagos state General Investigation Department (GID).

Five plain-clothed police officers had stormed

Evening Express premises saying that they had instructions to invite the editor of the newspaper, Mr. David Odey, for questioning in connection with a report published in the newspaper in its July 10 edition. The said report alleged that Police demanded a bribe of Two Thousand Naira (N2,000.00) from a suspect whose cars were in their custody.

The security men arrived the offices of the evening daily at about 8.00am in a deep blue Peugeot 504 Salon car demanding to see the editor. The editor declined to follow them because they had no arrest warrant. The Policemen went away but two of them later returned with a warrant. This time Mr. Fakeye, the writer of the story, was apprehended having walked into the office and introduced himself to them as the author of the story.

Mr. Fakeye was taken to the GID office where he was detained briefly and later released on the orders of the police public relations officer for Zone 2. Again, on July 13, the detectives returned to the premises and left a message that Mr. Fakeye should report to their office.

18. A journalist with the African Independent Television (AIT), Mr. Toyin Coker, was arrested on July 19, by the police at Shagamu in Ogun State. He was detained at Makun Police Station for two days. Coker, who is in the News and Current Affairs Department of the station, was in the town to report on the ethnic clash the previous week between the Yoruba indigenes and Hausas which claimed more than 40 lives.

Reports said on the day of his arrest, Coker was given a lift by a motorist in the town whom he did not know was armed. The reporter was inside the vehicle when, at a police checkpoint, the driver was searched and charms and ammunition were found on him. Following this development, the occupants, including the journalist, were detained in police cell.

When Coker's ordeal was brought to the notice of Minister of Police Affairs, Major-General David Jemibewon, who led a government delegation to the war-torn town by journalists, he directed the Ogun State Governor, Chief Olusegun Osoba, to contact the state police commissioner to effect his release.

19. Mr. Uche Aja, a journalist with The Source magazine, was on September 8, 1999, assaulted by the Chief Security Officer of the Enugu State Government House, DSP S.T. Sule, and a mobile policeman under his command in "Operation Vigilance", the State Security outfit set up by the former military government. He was attacked at the premises of the State House of Assembly during the protest by workers of the State arising from among other grievances, a disagreement between the workers and the State Government over wages and salaries payment default.

The journalist who was taking notes of the unfolding drama was accosted by one of the mobile policemen who seized his reporters notebook. Aja's offence was that he wrote down the name of DSP S.T. Sule in one of his jotters.

According to the journalist, an obviously angry DSP Sule queried him why he (Aja) had to write his (Sule's) name. Aja's explanation that he did so by virtue of his being the leader of the Operation Vigilance men called in to maintain peace and tranquility seemed to have angered Mr. Sule the more who shouted at him saying: "Do you know that it is an offence for you to write my name? Who told you I am the leader of the Operation Vigilance men here?"

Even the journalist's apologies did not make any impression on the security officer who further shouted at the journalist to shut up and stop making noise otherwise he would be dealt with.

20. Mr. Philipson Abah, a P.M. News reporter, was on the night of September 15, 1999, assaulted by a five-man team of the 'Rapid Response Squad' for taking the registration number of their vehicle. The Policemen riding in a patrol vehicle marked TO 25 Thunder with registration number PF1500 LA beat him mercilessly, threatening to shoot him.

The incident occurred at about 8.00p.m. on the Ojota-Oregun Road when the team stopped a Peugeot station wagon, unregistered taxi, which Abah had boarded. The driver's offence was that he offered them N10 instead of the N20 usually extorted from commercial vehicle drivers by the police.

The policemen had seized the keys of the vehicle and delayed it for over 20 minutes. The reporter and the other passengers became agitated and approached the mobile police corporal and pleaded with him to release the driver as it was getting late. The mobile policeman refused the plea and threatened to blow up the head of the reporter who led the passengers.

The reporter decided to write down the registration number of the patrol vehicle of the RRS men. Seeing what he was doing, the policemen immediately pounced on him and started beating him.

When they identified him as a reporter, they intensified their assault on him. They seized his identity card and other documents and whisked him off to the Area 'F' Police Station, Ikeja, threatening to detain him with hardened criminals "so that you can get enough news to write." At Area 'F', they fabricated allegations against him in order to detain him.

However, an unidentified female Assistant Superintendent of Police (ASP) who was the night duty officer ordered the reporter freed. Even at that, the policemen demanded N200 from the driver of the commercial vehicle whom they had taken along to the station.

Abah, thereafter, received medical treatment at the company's clinic for the injuries he sustained.

21. Mr. Folorunsho Ogumekun, a judicial reporter with Eko Today, an evening tabloid formerly known as Lagos Horizon, was in September arrested by men of State Anti-Robbery Squad (SARS) on the orders of Dr. Sunny Kuku, a Medical Director at the Eko Hospital. The reporter was said to have visited the doctor to clarify certain information with him. While waiting for the man to be interviewed, he was arrested by security personnel from SARS and was subsequently detained for two weeks before being finally charged to court.

Ogumekun was arraigned before Chief Magistrate Patrick Gbogodo of the Ikeja Magistrate Court, in Lagos on a two-count charge of conspiring to write threat letters and demanding money.

The reporter was also accused of writing threat letters with a view to compelling Dr. Kuku to pay the Meadows family with whom he is engaged in a legal dispute over a piece of land, the sum of N4million.

The charges were still pending in court at the year's end.

22. On October 11, policemen of the Rivers State command arrested and detained Mr. Jerry Needham, environmental rights activist and Acting Editor of Ogoni Star. His arrest was sequel to his newspaper's report on September 16, 1999, of a Rivers State Police report titled: "Operation Order No.13/99 August 18th 1999." The report allegedly described a response to supposed major new efforts to disrupt oil production and called for a mobilisation of police forces at key installations across the Niger Delta.

The police document classifies MOSOP along with other human rights groups as an "enemy force," and criminals of all descriptions. The report also claims that Ijaw activists "intend(ed) to close down all oil installations and force all expatriate staff to leave and stop work at all flow stations" – a charge that Ijaw groups publicly denied.

Mr Needham was arrested and detained for 20 days before being charged to court. He had earlier been questioned about how he obtained the secrete police report.

On November 1, 1999, MOSOP headed for the court to effect Needlam's release. However, on the next day, November 2, 20 days after being held in detention, Needlam was arraigned before a court. He was granted bail.

23. Two plain-clothed detectives on November 20, 1999 arrested Mr. Tony Etim, the Akwa Ibom State correspondent of National Post newspaper at about 6.30 p.m. He was taken to the Akwa Ibom State Police command where he was interrogated concerning a kidnap story published by National Post.

His arrest was reportedly on the order of the State police commissioner, Mr. Yahaya Baba, who directed the Area Commander, Mr. Ojehume Sam to interrogate him.

24. Mr. Nathaniel Ikyur, Vanguard newspaper correspondent in Kano State, was on November 22, 1999, arrested by the Fegge Police Division in Kano and briefly detained. His arrest was reportedly on the orders of the Commandant of the Police Academy in Kano, following a story in the Vanguard of a week earlier, which alleged an AIDS scare at the academy.

25. No less than 15 vendors and distributors of magazines and newspapers were on December 6, 1999, arrested in Nsukka in Enugu State by the Police for selling a newsletter that alleged the Republic of Biafra would be declared by the year 2000. Subsequently, most of them deserted their stands and went into hiding to avoid arrest.

Vendors who spoke to newsmen disclosed that Police started to effect the arrest the moment the newsletter hit the newsstands that day.

The controversial newsletter, which sold for N20, had on its cover the caption: Biafra To Be Declared In The Year 2000. It also alleged among other things, that Chief Emeka Odumegwu Ojukwu had spoken and the World Igbo Congress had met to perfect strategies in this regard, and that the United States, Britain and France have endorsed the declaration and that \$50 billion had been earmarked for the project.

The Police in Enugu State are said to be hunting for the publishers of the publication.

ASSAULT

1. Fifteen journalists attached to the press crew of the Ondo State Administrator, Colonel Moses Fasanya, were on February 15, brutalised and detained by the military administrator's aides at the venue of the meeting of the administrators of the five owner states of Odu'a Investment Company in Akure.

One of the journalists, Mr. Patrick Oladele, who had just had a surgical operation, collapsed under the intense torture by the soldiers, who threatened them with horsewhips and forced them to frog jump for over an hour.

The journalists' ordeal started at about 4.30p.m after the chairman of the owner states of Odu'a conglomerates, Navy Captain Kayode Olofinmoyin, read the communiqué of their five-hour meeting to the newsmen.

As they were about to enter the press crew vehicle to go back to their destination, seven soldiers, led by a staff sergeant accosted them and ordered their "arrest".

One of the journalists, Mrs. Julie Fayehun, who was the press officer to the chief press secretary, asked to know the journalists' offence. At this stage, one of the personal aides to Colonel Fasanya, Lance Corporal Mayoya Eluyemu, stepped in and started abusing the journalists.

"You stupid people, what do you think you are? Imagine, you people were late to the palace of the Deji Akure when all the military administrators of Odu'a states paid him a courtesy call. "Where were you?"

"Sergeant, arrest them and get them punished," he ordered and walked away.

The journalists were later marched to a corner of the Government House, where they were thoroughly drilled. Other journalists, who watched the incident, later approached some senior military personnel on the entourage of other states' military administrators, who later intervened before the journalists could be released.

2. On February 24, 1999 Anselm Okolo, an Assistant Editor and TELL magazine's Abuja Bureau Chief, was beaten up by the aides of Etsu Bwari, a traditional ruler in Abuja. The journalist's offence was that he did not leave the road and pack his car early enough for

the traditional ruler's convoy to pass thereby wasting their time. His beating was supervised the Etsu Bwari himself.

On that morning, Mr. Okolo was driving to his office when he narrowly missed being hit by the Etsu Bwari's convoy which was driving at high speed.

Okolo packed his car to allow the convoy pass but two aides of the traditional ruler – a police orderly and a red clothed Dogari (palace security guard) stopped in front of him and alighted from their car. They challenged him for wasting their time.

They ordered him out of his car and thereupon the two men, joined by three others started to rain blows on him and beat him with horsewhips. He was saved by passers-by who gathered to challenge the assault.

3. The Plateau State correspondent of the Nigerian Tribune newspaper, Mallam Buhari Bello, was in March manhandled by security aides of the military administrator colonel Musa Shehu at the Governor's office, Jos.

According to a statement by the Plateau State NUJ Chapel's Chairman, Mr. Major Adeyi, the journalist had gone to the governor's office to confirm the veracity of certain allegations of shady deals in some of the contracts being executed by the state government, when the assault took place. Investigations revealed that Bello had been invited to see the administrator following a questionnaire he had sent on some contract awards.

After visiting the military administrator's office, the security men followed him to the office of the Director of Press Affairs where they assaulted him.

4. Two journalists, Tunde Sanni and Kayode Abdulwahab, the Kwara State correspondents of the The Post Express and This Day newspapers respectively, were on April 7, assaulted, by armed soldiers attached to the house of the late General Tunde Idiagbon, in Ilorin, Kwara State.

Journalists, numbering eight from different media houses, were at the General's house to await the arrival of the then President-elect, General Olusegun Obasanjo, who was scheduled to pay a condolence visit to the family of General Idiagbon.

Wielding uncorked guns and shouting; "you can not all enter," the stern looking soldiers denied the journalists entry into the compound when General Obasanjo arrived. An attempt to enter the compound by Sanni and Abdulwahab angered the soldiers who descended on them and beat them mercilessly while others were driven away.

The reason for the hostility of the guards, some sources claimed, was the family's aversion to the increasing publicity it had been receiving since the death of General Idiagbon.

5. Mr. Isaac Williams, This Day correspondent in the Oil City of Warri in Delta State, was on August 5 attacked by five militant Ijaw youths. He was attacked at about 9.45pm at This Day Warri office while holding discussions with a fellow Christian devotee.

His offence was the publication of reports on the activities of Warri National Congress for Peace and Development headed by Collins Eselemo, deemed unfavourable by the youths. The said story was published in the paper's August 4, edition, as a news report, titled: Delta House To Probe N4.5million Slated for Ijaw-Itsekiri Peace Concert.

Mr. Williams narrated that the youths came asking him to confirm authorship of the story and upon a positive response from him, the journalist said the leader of the youths "...immediately rammed into me along with the four boys he came with. He rained blows and insults on me to his satisfaction before leaving me with a threat that he was going to be after me until I am kidnapped and taken care of or probably until my publisher comes."

The journalist further said Mr. Eselemo threatened to use him as an example for other journalists in Warri who refused to do his bidding and that nobody could stop him from carrying out his threat.

The journalist further said that friends close to Mr. Eselemo had earlier warned him on August 3, that he should be careful as Mr. Eselemo had detailed boys to keep tabs on him. He said he, however, did not heed the warning believing that a person who says he was working for peace could never resort to barbarism, until the attack on him.

Mr. Williams briefed security agencies about the assault and the threat to his life.

6. Security agents of the Enugu State government on September 9, beat up the correspondent of Hallmark newspaper, Cyril Mba, at the premises of the Enugu State House of Assembly while covering civil servants protesting non-payment of salaries. The journalist was brutally manhandled and thrown into an unmarked Peugeot 504 station wagon along with the protesting workers.

In the process, Mba lost his wristwatch, money and working tools. He was later detained in a cell in Government House until he was released on bail on the intervention of the chief press secretary to the state governor, Ambrose Akor.

Two other journalists, Stephen Iyolo, of the Monitor newspaper and Uche Ajah, of The Source magazine, were harassed and tear-gassed. They had their notebooks torn by the agents working for the state government while the Nigerian Television Authority crew had their tapes seized and destroyed.

Although media correspondents deployed to Enugu State House of Assembly demanded for an unreserved apology and adequate compensation for the brutal treatment and physical assault unleashed on the journalists, no such apology was ever made.

7. The Eastern zonal correspondent of City People magazine, Mr. Emeka Amaefule, was on September 11, 1999, manhandled by members of the Ijaw Youths Council (IYC). Narrating his ordeal, Amaefule said the restive Ijaw youths were getting ready on that day for a showdown in Yenagoa, Bayelsa State, to avenge the alleged killing of some of their members there, when he got to their council headquarters at No. 1, Aggrey Road, Port Harcourt, to interview the president of Bayelsa Youth Federation, and IYC's information bureau chief, Mr. Ningi James.

"When I got there, one of the militant youth leaders who identified himself as 'Sergeant Samuel Doe' asked me to identify myself and I did. He shouted and held me on the neck and dragged me to the second floor. They took my tape recorder and threatened to kill me, and use me to set example for other journalists who have been writing against Ijaw youths," Amaefule narrated.

According to the correspondent, a Kangaroo court was immediately constituted to try him, disclosing that the "trial judge" was the said 'Sergeant Samuel Doe'.

"They searched me and asked me to raise my hands up for two hours. They expected me to answer their questions without thinking, and any attempt to think earned for me dozens of slaps and whipping", he said.

At the end of the 'trial', Amaefule said they found him "guilty on the ground that I was there to spy since there was no other journalist there at that time, except me."

He said, it was when their Chief of Staff was asked to prepare the ground for his "punishment", that James who knew him came in and saw him in a very pathetic situation. He (James) pleaded that they should kill him instead of Amaefule. He was then let go.

8. Three aviation journalists accredited by the Federal Airport Authority of Nigeria (FAAN) attached to the Murtala Muhammed Airport were on September 28, 1999 detained

for over three hours for allegedly trespassing on the airfield by FAAN security operatives. The journalists, Mr. Supo Adebatele of the Nigerian Tribune newspaper and two others, were arrested at about 12.25 p. m. at the departure lounge of the local wing of the airport.

Adebatele said that they were accosted by the head of the security operatives identified as Emeka who challenged their legitimacy in the area. He said despite the fact that they identified themselves, they were arrested and taken to their security office where they were interrogated on accusation of trespassing.

He denied the allegation saying: “We were not on the airfield, we were arrested right there on the landside which was the terminal building nobody can be at the airfield, it is a dangerous area.”

The aviation correspondent narrated that they were taken to a notorious detention camp called “Tango City.” He said they were however saved by the timely intervention of Rev. Adomi-Okotie, FAAN Public Affairs Officer.

9. For the second time in two weeks, Mr. Emma Anyigor, The Post Express reporter covering the office of the Minister of the Federal Capital Territory (FCT), suffered physical harassment at the premises of the minister’s office while on his beat.

The second attacker, a younger man than the first, brandished a rifle and a horsewhip, and was more explicit than the first assailant about his possible grouse.

Said he, between clenched teeth; “Ehn, you are the Emma that reported on the probing of Kotangora and (Jerry) Useni. And you are the one who have (sic) been criticising Oga Bunu’s administration in your so-called ‘Area Eleven Hotline’.”

He tried to whip the reporter but the situation was saved by on-lookers, who rushed to the scene and dragged the attacker away.

10. A group of policemen on November 8, 1999, in Abuja, Nigeria’s Federal Capital Territory assaulted Mr. Ben Shemang, a reporter with the Voice of Nigeria. His offence was that he allegedly obstructed the vehicle in which they were travelling. Mr. Shemang said he was “brutally assaulted and whipped” by the policemen who were returning from work.

He narrated that he was travelling in his car from the Asokoro District through the Abuja/ Maraba Road when the police van, a Peugeot Boxer, conveying about 15 of them drove recklessly from the opposite direction thereby forcing motorists held up in the traffic on both sides of the road to give way to them.

He said: “They swarmed on us and threatened to deal with us.”

Continuing, he said that the policemen bundled him into their van after beating him and drove him to a police station. At the police station, the police officers tried to frame him and further threatened to charge him to court.

In trying to frame Mr. Shemang, he said the policemen claimed “I told them I work at the State House, and that was why I felt I could break the law.”

11. The police in Kano arrested Prince Ajayi Mamaiyetan, Editor-in-Chief of a pan-Yoruba monthly newsletter, Odua News and Public Relations Officer of the Yoruba community on Friday, December 24. Plain-clothes policemen picked him from his 5, Tundun Wada Road, Sabon Garri-Kano office. His office was searched before he was taken away with some copies of the newsletter

His arrest was reportedly in connection with the January 5, 2000 edition of the newsletter with a front-page caption: New Millenium, Different BallGame. The story lamented the ethnic clash in Kano in July 1999, in which the Yorubas were victims, a reprisal for an earlier clash in Shagamu when the Hausas suffered more loss in June 1999. The story, which described the Yorubas as peace-loving people, concluded that “it will not be sensible

for Yorubas to allow themselves to be slaughtered like sleeping dog wherever they may reside in the federation. Odua newsletter therefore calls for general mobilisation of our people wherever they may be outside their homeland.”

SUITS

1. Dr. Mike Ajogwu, a Chieftain of the People’s Democratic Party (PDP), in the Enugu State, in March, took the Federal Radio Corporation of Nigeria (FRCN), Enugu and others to court. He sued both Dr. Okwesilieze Nwodo, the national secretary of the party and the FRCN, Enugu, over an alleged statement credited to Nwodo and broadcast by the station to the effect that he, Ajogwu, had been suspended from the PDP and that he had joined a rival party, Alliance for Democracy (AD).

In a suit filed at the Federal High Court, Enugu, Ajogwu claimed that the statement was libelous and had injured his character and reputation and portrayed him as a person “unfit and dangerous to deal with”.

He claimed that as a co-ordinator/facilitator of Obasanjo Presidential Campaign Organisation, he was now being looked at as an “inconsistent and unreliable” person and “someone who should not be trusted.”

According to him, the effect of that broadcast was that he had been excluded from the management of the party during the National Assembly elections, which made him to lose both his ward and local government.

Ajogwu, therefore, claimed against the defendants, jointly and severally, the sum of N10 million as damages, as well as an injunction restraining them from further airing of the alleged statement.

2. The Post Express editor, Kelechi Onyeamaobi, Jibril Dauda, a journalist with THIS DAY newspaper, and their respective publishers, Post Publishing Company Limited and Leaders & Company Limited, and others were on May 17 sued at a Federal High Court in Lagos for N1billion by the petroleum Trust Fund (PTF) over a news stories published by the newspapers between January 24 and 25.

Sued alongside the journalists and publishers was a Kaduna-based transport company, Chanchagi Motors (Nigeria) Limited.

The PTF’s claim, filed by Chief Femi Okunnu (SAN), on February 26, prayed the court to restrain the defendants from further publishing libelous and defamatory articles about it. The PTF also asked for N1 billion as damages against the defendants, jointly and severally, for publishing a libelous letter on December 29, 1998, which was copied the former Federal Attorney-General, Alhaji Abdulahi Ibrahim (SAN), and Alhaji Gidado Idris, then secretary to the Government of the Federation.

3. The former Chief of General Staff, Vice Admiral Mike Okhai Akhigbe, on June 26, made good an earlier threat by instituting a N500million libel suit against Independent Communications Network Limited (ICNL), publisher of The NEWS magazines at an Abuja High Court claiming damages for defamation. Joined in the suit are Mr. Bayo Onanuga, the editor-in-chief of the magazine and Mr. Tayo Odunlami, a reporter, as co-respondents. The court action is sequel to a cover story, which appeared on the May 10, edition of The NEWS titled: Akhigbe’s Last Minutes Deals.

Akhigbe is praying the court to order the defendants to retract in a full page, the alleged offensive publication. In addition, the former CGS prayed for an order that the respondents apologise to him in writing to be published consecutively in six publications of The NEWS magazine and four other national dailies particularly The Guardian, THISDAY, The Punch and The Champion newspapers. Further, he is asking for an order of perpetual

injunction restraining the defendants, their servants or privies from further publication of the said defamatory words contained in the material complained thereof.

In a 24-page statement of claim filed by Admiral Ahkigbe through his counsel, Chief Mike A. Ozekhome and George Etomi and Partners, averred that the publication portrayed him as a shady character which further painted him in dark colours and in a manner detrimental to his image.

4. Brigadier-General Mohammed Buba Marwa, retired military administrator of Lagos State, on July 16 sued Tell Communications Limited, publishers of TELL magazine, for libel over the story: The Looting Of Lagos published in the magazine edition of May 24, 1999 He is asking for N250 million as damages.

5. Alhaji Ibrahim Salisu Buhari, the former speaker of the House of Representatives on July 19 filed a libel suit against Independent Communications Network Limited (ICNL), publishers of The NEWS magazine, claiming N500 million as damages. Alhaji Buhari was claiming the amount for “libel published falsely and maliciously by the defendants” concerning him in his office as Speaker of the House of Representatives.

Three of Alhaji Buhari’s companies also sued ICNL for the same amount each. They are Microtec Computers System Limited, Utility Software Limited and Scan flow Security and Printing Limited.

This was sequel to The NEWS magazine’s revelation in its July 19 edition that the ex-speaker was a fraud. THE NEWS revealed that contrary to his claims that he was 36 years old having been born on January 3, 1963, Alhaji Buhari was actually 29 years old (born January 3, 1970); that he was expelled from Ahmadu Bello University, Zaria, when it was discovered that he forged his school certificate results and that he never attended the University of Toronto in Canada as he claimed.

The magazine also revealed that three of the companies through which he secured huge contracts from the late General Sani Abacha regime were actually not registered with the appropriate authorities.

On Friday 23 July, Alhaji Buhari addressed a press conference where he owned up to the allegations he had earlier on vehemently denied. He resigned as speaker and member of the House and accordingly advised his counsel to withdraw the cases. He later pleaded guilty before an Abuja Magistrate Court to charges of forging his certificate and falsifying his age declaration. On August 3, he was sentenced to one year each on a two count charge of forgery and false declaration or an option of N1,000.00 fine on each count.

6. General Ishaya Rizi Bamayi (ret), former Chief of Army Staff in July sued Place and Edge Communications Ltd., publishers of Evening Express, asking for N700 million as damages for an alleged libel. Joined in the suit are David Odey, editor and Tokunbo Fakeye, editor, Defence and Crime Desk of the evening newspaper. The suit is in connection with a story published in the July 16 edition of the tabloid titled: Army PTF Largesse: Top Officers, Soldiers Want Bamayi Probed.

7. Former Nigerian President, Alhaji Shehu Shagari, on September 8, 1999, at an Abuja High Court, instituted two separate suits against TELL Communications Limited and the African Newspapers of Nigeria (ANN) Plc., publishers of the TELL magazine and Tribune titles respectively over alleged libelous publications. He is demanding for N500 million from each of them.

In the suit filed at an Abuja High court against both publications, Shagari, through his counsel, D. D. Dodo of D. D. Dodo and Co., is claiming the sums from the defendants for

“false and malicious” articles titled: Plot To Impeach Obasanjo Uncovered ...Barely Three Weeks In Office. Shagari, Maccido, Buhari Connection published by the Nigerian Tribune of Sunday June 26, 1999, as well as The Plot Against Obasanjo which appeared in TELL magazine of July 5, 1999.

He is also seeking an order of the court compelling the defendants to make full-page written retractions each of the alleged libelous publications in seven consecutive issues of their publications, and five other national dailies. In addition, Alhaji Shagari is seeking an order compelling the defendants to make to him a written retraction of the alleged offensive reports and an order a restraining the defendants from further publication of the said defamatory words..

Joined in the suit are Paul Wale Ademowo and Banjo Oladeji of Tribune and the Editor-in-Chief of TELL, Nosa Igiebor and Ayodele Akinkuotu also of TELL.

TELL magazine had alleged in the story that some disaffected persons in Northern Nigeria, rattled by certain policies and key appointments made by President Obasanjo, held a meeting in Sokoto at the instance of Alhaji Shehu Shagari where anti-Obasanjo programmes and sentiments were whipped up.

Alhaji Shedu Shagari said the Tribune story that described him as the “arrow-head” of the Northern conspiracy was false and had done incalculable harm to his reputation and integrity.

8. A former Director-General in the Nigerian secret police – The State Security Services (SSS), Mr. Peter Nwodogbo in October, sued TELL Communications Limited, publishers of TELL magazine for an alleged libelous publication. He is asking for five hundred million naira (N500 million) as damages.

The suit was in response to a story published in the July 29 edition of TELL magazine titled: The Man Who Killed for Abacha. The story, Nwodogbo claimed, is not only false and malicious, but has also caused him embarrassment and distress as well as exposing him to hatred and ridicule.

In the suit filed at the Ikeja High Court by his counsel, Dr. Emmanuel Ometan, he is also seeking a court injunction to restrain the defendants from further printing, publishing or circulating any libelous publication against him.

9. TELL Communications Limited publishers of TELL magazine was in November sued at an Uyo High Court by the former Chief of Air Staff, Air Marshal Nsikak Eduok (rtd). He is demanding N750 million for allegedly being libeled.

In the suit filed by his Counsel, Akpan Ekong Bassey (SAN), Eduok is suing the publishers for a story in its September 27, 1999 edition titled: Murder In The Marshal’s Mansion, which he claimed “falsely and maliciously without reasonable cause or excuse published an article that was injurious to his person”

Air Marshal Eduok is, in addition, seeking from the court an order of perpetual injunction to restrain the defendant, its servants or agents from further publishing the said offensive and libelous story.

Marshal Eduok specifically cited the story on pages 11 to 18, the cover story of the said edition, which he complained of as well as write-ups on page 38 of its October 4, 1999 edition which he complained carried libelous materials. He averred that the said magazine’s articles had injured his character, credit and reputation before those who hitherto held him in high esteem”.

OPERATIONAL POLICY RESTRICTION

1. Newspaper and magazine houses were placed under the Value Added Tax (VAT) regime in the 1999 fiscal year, according to the then Minister of Finance, Mallam Ismaila Usman.

In the 1999 budget breakdown, announced January 5, the Minister said that the measure would, in the view of government, “encourage taxpayers’ compliance, ensure equity in tax administration and widen the VAT base.”

Consequently, he said the previous exemption list was being phased out gradually such that by the end of the year 2000, there would be no items of exemption in the VAT scheme.

For fiscal year 1999 therefore, Mallam Usman said, “commercial vehicles, aeroplane, ships, locomotives spare parts as well as newspapers and magazines in addition to water treatment chemicals have been removed from the exemption lists.”

2. On May 26, three days before he quit power, former Head of State, General Abdulsalami Abubakar, foisted on the Nigerian media a statutory regulatory process designed to subject it to governmental control. General Abubakar promulgated an amendment to the Nigerian Press Council (NPC) Decree No. 85 of 1992, vide a decree, known as the Nigerian Press Council (Amendment) Decree No. 60 of 1999. By this amendment to the Decree, General Abubakar’s Government vested in the Council, powers previously exercised by the Newspapers Registration Board under the controversial Newspapers Decree No. 43 of 1993, promulgated by the Government of General Ibrahim Babangida seven years earlier to deal with complaints by members of the public against the conduct of journalists in their professional capacity.

Although he repealed Decree No. 43 of 1993, General Abubakar immediately and surreptitiously re-introduced the obnoxious provisions of the Decree into the amended Press Council Decree, without announcing it.

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.

In addition, by the amendment to the Decree, the Council was given the responsibilities to monitor the activities of the Press with a view to ensuring compliance with the Code of Professional and Ethical Conduct of the Nigeria Union of Journalists and receive application from, and documenting the print medium and monitoring their performance to ensure that owners and publishers comply with the terms of their mission statement and objectives in liaison with the Newspapers Proprietors Association of Nigeria.

3. The National Broadcasting Commission (NBC), the government appointed Ombudsman of the broadcast industry on October 4, 1999, announced the revocation, of licenses of numerous private broadcast media operators. The revocation affected 19 Radio and Television Stations in Nigeria. The NBC later rescinded its decision following widespread public outcry.

The immediate cause of the revocation was the inability of the broadcast operators to pay the astronomical license renewal fees hiked by over 300 per cent in the regime of license fees, which the NBC introduced in 1997. The private operators which had coalesced into the Independent Broadcasters Association of Nigeria (IBAN), said the fees were draconian and that they were unable to pay.

Affected by the NBC's action were DAAR Communications Limited, owners of Ray Power FM and Africa Independent Television AIT. DAAR Communications also had its Global Satellite Television license withdrawn. DBN Television station was affected. The same fate befell Lagos based Murhi International, which lost its radio and television licenses.

Other stations affected by the NBC's action included Deglobe, a radio station based in Ilorin; IBW FM which operates a radio station in Benin City, as well as Independent Communications, which held two cable television station in Warri and Port Harcourt.

There were also Jeremi, which has a radio station in Warri; WATCO which operates a radio station in Jos as well as West Midlands which operates a cable television station in Ibadan.

Minaj Broadcasting Systems also lost its satellite television service while Ultima lost its cable television license operated in Port Harcourt and the open television license operated in Lagos. Universal Broadcast, operating in Lagos, was also affected.

The private radio and television stations in some cases pay over N5 million as licence fees, while Federal and State government owned stations pay a comparatively meager N50,000. This is besides the fact that government owned broadcast media enjoy subventions for their operations as well as compete with private stations for advertising revenue, in addition to not paying costs of equipment, custom duties and Value Added Tax (VAT). Private stations are also required to pay the NBC 2.5 per cent of their gross turn-over without regard to the capital obligation and operational expenses.

DENIAL OF RIGHTS AND PRIVILEGES

1. The Nigeria Union of Journalists (NUJ) on March 15, issued a 30-day ultimatum on the Federal Government within which it should pay the back log of salaries owed its members working in the Daily Times, Federal Radio Corporation of Nigeria (FRCN), and the Nigerian Television Authority (NTA). The Vice-President of the NUJ, Mr. Smart Adeyemi, made this disclosure in an address to mark the 44th anniversary of the birth of the union at the NUJ Press Centre, Ilorin.

Besides the federal government, some privately owned media organisations in default of salary payment were also similarly issued ultimatums. These include the management of The Diet, This Day and The Post Express newspapers.

Adeyemi, while lamenting the sorry state of journalists, said it was "a shame and a professional debasement to subject journalists to prolonged hunger due to non-payment of salaries for many months".

"We are fed up with the plight of some of our colleagues in some media. We have started consultations within the union over their distress especially those in Daily Times and This Day. If the outstanding salary arrears are not paid by April 15, we would call for a nationwide strike by journalists," he warned.

2. The Pioneer newspaper chapter of the NUJ in Akwa Ibom State on April 15, petitioned the secretary to the state government alleging victimisation by the state government and threatening to go on strike. According to the journalists, the state government had refused to pay its members the new harmonised public salary structure and allowances.

Along with the NUJ, two other unions in the media organisation, the National Union of Printing, Publishing and Paper Products Workers (NUPPROW), and the National Union of Civil Service Typist, Stenographers and Allied Staff (NUCSTSAS), also threatened to go on strike if the state government failed to pay them accordingly.

The journalists and other workers' grouse stemmed from the fact that while other categories of workers of the state government had been paid, workers in the state-owned media organisations were not paid.

Besides, the state government withdrew its subvention to the state's newspaper corporation as a cost-saving measure towards the implementation of the minimum wage. Consequently, by mid-April, the bi-weekly tabloid, *The Pioneer and Weekend Pioneer*, published by the corporation, went off the streets. But the corporation claimed that the non-appearance of the publications was due to lack of newsprint.

The alleged withdrawal of subvention came to light when the Administrator, Group Captain Eyepeiyah Ebiye, said in response to a request for money, that if he must pay the minimum wage, other things must wait. The newspaper is owned by the Akwa Ibom State government.

3. Akwa Ibom Broadcast Corporation (AKBC) was on April 19, shut down indefinitely as staff embarked on strike to press for the payment of the minimum wage.

The closure, which was effected at about noon, came at the expiration of an earlier ultimatum issued by the staff on April 16, protesting government's disparity in the payment of the new wage.

They noted in the ultimatum that while civil servants working in the core ministries were paid the new wage, those in parastatals were issued cheques according to their old rate. Describing the move as insensitive and inciting, they threatened to embark on an indefinite strike with no room for skeletal services until the situation was properly addressed.

By noon on April 19, the angry staff led by union leaders within the corporation, forced out all the management staff and locked up all the offices and the main gate. Both the television and radio services of the corporation were put off air.

Information commissioner, Mrs. Christy Obot, in an interview described the action as hasty and promised that something would be done soon to get the staff back to work. She explained that the disparity in salary was introduced because of lack of funds and not as a deliberate attempt to spite a section of the public service.

"The truth is that government cannot afford to pay everybody at the same time. So while still sourcing for funds, government decided to effect the payment to workers in phases, starting with the core ministries.

"Government is not saying staff in government-subsidised parastatals will not be paid the minimum wage, but we need time to source for additional funds" said the commissioner.

4. The Financial Telegraph chapter of the NUJ on May 6 petitioned the then Minister of Employment, Labour and Productivity, to formally declare a trade dispute over the failure of the publisher of *Financial Telegraph* and *Weekend Telegraph* newspapers, to pay its members' salary for several months running.

In the letter signed by the chapter's chairman, Mr. Kunle Alabi, the NUJ indicated three points in dispute. These included: Non-payment of arrears of 12 months salaries, illegal lockout of workers and unfair labour practices. The letter urged the minister to act quickly to resolve the matter.

The NUJ had three weeks earlier written a letter to the then President-elect, Chief Olusegun Obasanjo, appealing to him to intervene in the matter which had dragged on since 1998 and had defied all efforts to resolve it. The workers appealed to Obasanjo to "prevail on Chief Lucky Igbinedion, the Edo State governor-elect, who incidentally is the owner of the newspaper, to pay the outstanding debts."

According to the letter, the workers said they were directing their message to the president-elect as a last resort, believing that his intervention was crucial to resolving the dispute.

The workers also said their earlier letters to the then National Chairman of the Peoples' Democratic Party (PDP), Chief Solomon Lar, and Edo State Chairman of the party, Chief Tony Anenih, appealing to them to intervene in the matter yielded no result.

The letter further stated that Chief Lucky Igbinedion, had frustrated efforts earlier made by the Federal Ministry of Employment, Labour and Productivity to resolve the matter amicably.

5. Journalists on the stable of The Diet newspaper in May threatened a strike action to attract management's attention towards settling the backlog of salary arrears which stood at five months, that was being owed them by the establishment.

The journalists under the auspices of the local chapel of the NUJ had been involved in a running battle with the publisher of The Diet, Chief James Ibori, Executive Governor of Delta State, who defaulted in salary payment. They complained that apart from the non-payment of salaries, the weekly transport allowance usually given journalists had not been paid to them for over a year, a situation that had forced them to resort to borrowing to survive.

The local NUJ chapel and other unions operating at The Diet said this situation had lingered on since early 1998 when payment of salary became irregular. The publisher did not respond to any of the three letters written to him. One of such letters was written in 1998 while the other two were written at different times in 1999. The letters, which sought Chief Ibori's intervention in the crisis in the media house, were not replied to by him.

Sequel to the letters, the executives of The Diet chapel of NUJ, along with staff representatives from the various departments, met with the management, but to no avail. Like the publisher himself, all promises to pay the salary arrears at a later date were not fulfilled.

The journalists complained that in spite profits realised from sales and adverts, the publisher and management did not deemed it fit to pay the salary arrears. Even threats to go on strike by the staff did not help matters.

6. Claiming malice and witch-hunt, a broadcast journalist on the staff of the Anambra State Broadcasting Service (ASBS) Mr. Tony Ibekwe in June filed a legal action at an Ikeja High Court in Lagos to challenge his transfer from Lagos office to the headquarters of the station in Awka.

In the suit pending before Justice Eniola Longe, Mr. Ibekwe is praying the court for an order of injunction restraining his employers from effecting his transfer.

Joined as co-defendant in the suit is the managing director of the broadcasting organisation Mr. Ikechukwu Abana, who Mr. Ibekwe fingered as the alleged brain behind his purported transfer. Mr. Ibekwe, area representative of the station, was transferred from Awka to Lagos sometime in August 1998.

In his 36-paragraph affidavit in support of the motion on notice, Mr. Ibekwe averred that the managing director did not transfer him in good faith while alleging malicious intention. According to him, the purported transfer was done without recourse to the guidelines on the transfer of an employee from one state to another as contained in the civil service regulation.

Mr. Ibekwe alleged in the statement of claim, that he had undergone series of intimidation in the hands of managing director of the station before the eventual transfer, despite his loyalty and dedication to the organisation. He said that within one month alone, he

received three queries from Mr. Abana, his various representations notwithstanding. He alleged that the defendant had since stopped the payment of his salary, transfer allowances and expenses while also restraining him from using the company's official vehicle.

Justice Longe warned the defendants not to use their position to intimidate or molest Mr. Ibekwe in any manner because of the suit.

7. Staffers of Federal Radio Corporation of Nigeria (FRCN), Ibadan, on July 6, began an indefinite industrial action to protest the non-payment of part of their December 1998 and January to June 1999 salaries.

The staffers, rising from a joint Congress of the FRCN Ibadan Chapel of the NUJ and the Radio and Television, Theatre Workers Union (RATTAWU) held at the Broadcasting House, Ibadan, resolved that they would not go back to work until their demands were met by management.

Throwing more light on the workers' plight, the vice chairman of the FRCN, Ibadan Chapel of the NUJ, Mr. Simon Akindele, accused the executive director of the station, Rev. Olukunle Ajani of highhandedness in the administration of the institution which has brought hardship on the workers. He also alleged that some members of staff of the station were unilaterally sacked on his orders. Akindele said Rev. Ajani had rebuffed all efforts to make him pay and alleviate workers' hardship.

8. Workers of Ogun State Television (OGTV) on July 6 embarked on a peaceful demonstration over the non-payment of their five months salary arrears totaling N6.8 million.

The staff, numbering over 100 at about 11.00 a.m. stormed the Oke-Mosan Governor's office, Abeokuta with various placards displaying such inscriptions as "OGTV staff are now Afamako," "Five months salary, we are dying", "Give life to OGTV", "OGTV is not different from other government television stations in Nigeria, Government please pay us", among others.

Some of the aggrieved workers particularly the women were seen weeping. They also brought their children as an appeal measure to Governor Olusegun Osoba, to come to their rescue. "We are owing house rents, school fees, even to eat has now become an Herculean task", an official lamented.

9. The management of the Broadcasting Corporation of Oyo State (BCOS), on July 20 continued its evasive tactics to deny enforcing a court judgment against it, in favour of a staff, Mr. Kolawole Adedeji. Counsel to BCOS, Mr. Abiodun Idowu, told Justice Ruth Oyetunde that the station was proposing settlement out of court and asked for more time to effect the settlement.

This was sequel to a suit filed by the media worker suing the station's general manager, Mr. Paul Taiwo, for allegedly flouting a court judgment issued in 1992 by Justice Akin Ige of an Ibadan High Court directing the station to reinstate the staff who was wrongfully dismissed from its services. The court had also ruled that Mr. Adedeji be paid his normal salary from June 1989 when his employment was purportedly terminated till the day of the judgment.

Though the broadcasting outfit had, through its counsel, prayed for a stay of execution of the judgment of Justice Ige, the application was, however, refused. Despite these, the station had refused to either reinstate him or pay his salary.

Mr. Adedeji was an advert officer in the employment of the station and was dismissed in 1989 based on allegation of fraud leveled against him, an action which Justice Ige, in his ruling, had described as against the rule of law.

Since 1992 when the judgment was delivered, however, Mr. Kazeem Gbadamosi, representing Adedeji, said the station has refused to comply with the ruling of the court.

10. Workers of Sketch Press Limited, publisher of Daily Sketch newspaper, on July 30, 1999, embarked on an industrial action to press for the payment of their three months salary arrears and improvement of their welfare. The strike action marked the climax of a protracted face-off between the workers and management of the company under the former Managing Director of the media house, Mr. Sola Oyegbami.

Sketch press was founded in 1964 by the defunct Western region government. It is now jointly owned by five states namely Oyo, Osun, Ondo, Ekiti and Ogun.

11. In September 1999, Edo State governor, Chief Lucky Igbinedion, suspended two top officials of the state-owned Edo Broadcasting Service (EBS) for allegedly publicising the activities of the local governments controlled by the rival All People's Party (APP). According to media reports, the affected officers, Mr. Julius Osho, the Controller of Programmes, Edo Television and Mr. Humphrey Otasowie, Manager News, were said to have been suspended arbitrarily without going through the normal procedure.

The action which further buttressed and gave credence to the Media Rights Agenda's findings about wide-spread censorship in the state-owned media groups, was condemned by several groups among them The Guardian, National Concord and the Media Rights Agenda.

12. Mr. Obiora Ekanem, Editor of Akwa Ibom State-owned Pioneer newspaper was on October 22, 1999, re-deployed by the State Commissioner for Information for allegedly reporting in the newspaper, the State's PDP Congress held by a faction of the party led by former Petroleum Resources Minister, Chief Don Etiebet

A statement signed by Mr. Gordon Etop Idung, the Information Commissioner, addressed to the General Manager of the newspaper had directed the Editor to report to the Ministry of Education for immediate redeployment.

The Pioneer newspapers had reportedly extensively published the State Legislature's nullification of all the governor's appointments into Boards and commissions while the State Broadcasting Corporation (AKBC) blacked it out.

The State House of Assembly, however, directed Ekanem to return to his office while it summoned the commissioner to appear before it to explain the redeployment.

The lawmakers saw the commissioner's action as a threat to the present democratic dispensation, which guarantees freedom of speech and expression wondering why he should censor media reports.

THREATS TO LIFE, OPERATION AND INTIMIDATION

1. The Nigerian Army on February 9, threatened to prosecute some media organisations in the court of law for what it termed "publications of libelous materials capable of causing disaffection in the military".

Speaking through the Acting Director of Army Public Relations, Col. Felix Chukwuma, to journalists at a press conference, it said the decision was being taken "as a last warning" to forestall a possible truncation of the on-going transition programme by "some disgruntled" members of the public who publish falsehood in the media.

Col. Chukwuma further explained that: "These attacks are carried out by detractors of this administrators who are afraid of the success of the transition programme, which they fear, will render them irrelevant in the new dispensation. If we are not careful, such publications can tear the nation apart".

He insisted that in view of the viciousness of the authors of such libelous publications and “lessons we’ve learnt from recent events, we decided that it will be more civil to take such people and organisation to the court of law for prosecution.

Referring to one of such alleged vexing and “malicious” reports, the Army spokesman recalled that: “There was a newspaper report which said that there was disagreement among the senior cadre of the armed forces with some supporting N5,000 as the minimum wage while others described as welfarists, opted for higher pay. There is no iota of truth in the report.

“The issue of soldiers’ pay is not a matter for public consumption,” he added.

Although, Chukwuma was not categorical on the “offending” media organisations that the Army would be dragging to the court, he, however, said that the bulk of media organisations fall within the category of those he termed “the junks”.

He lamented that “recent editorials in some of the print media show that there are underground and nefarious influences out to sabotage the entire transition programme”.

Col. Chukwuma also hinted that stern action would be taken against the media organisations for their alleged spurious and malicious attacks on the person of the Chief of Army Staff, Lt. Gen. Ishaya Bamaïyi.

2. Editor of the Nigerian Observer, Mr. Richard Amayo, and the newspaper’s general manager, Mr. Tenent Idu Akenzua who were arrested by security agents on February 26, were accused of espionage.

They were arrested over two front page stories in the February 22 and 23 editions of the newspaper which the security men said were capable of undermining the General Abdulsalami Abubakar’s transition programme.

The stories were titled: Carter Centre Frowns At Poll Fraud and EU Observers Team Uncover Rigging.

A query issued the editor by the newspaper’s supervisory ministry accused them of “indiscretion and utter disregard for national interest and security by the two front page stories” which dwelt on the February 20 National Assembly elections.

Amayo said in Benin City on March 2, that security agents questioned him and his general manager equating the two stories to espionage.

According to Amayo, their interrogators even wanted to know how much they were expecting from the European Union (EU) and the Carter Centre, whose press statements on “irregularities” and “fraud” in the February 20 National Assembly election were equally prominently published by other national newspapers and broadcast by several radio and television stations across the country.

In the query of February 25, the permanent Secretary in the Edo State Ministry of Information, Mr. Daniel Inneh, told Amayo that the state government was dismayed at his indiscretion and utter disregard for national interest and security by publishing the stories.

Inneh sent a similar query to Akenzua, saying the two front page stories were not only “misleading but also capable of running the transition programme through apathy by electorate, especially as your publications gave the impression that the entire transition programme has been a fraud.”

Inneh then gave Amayo and Akenzua 24 hours within which to explain why they should not be disciplined “for the embarrassment caused to the state and Federal Government by the publications.” They were also suspended indefinitely without pay. Amayo was only to be recalled to his job after the military quit power.

3. The Lagos State Council of the Nigeria Union of Journalists (NUJ), alerted journalists in Lagos State and the general public that there was an armed disruption of the meeting of the

State Executive Council (SEC) on March 19, by a group of thugs numbering 13 armed with cutlasses and other dangerous weapons. According to a statement signed by Messrs. Kehinde Bamigbetan and Nick Nwafor, second vice-chairman and assistant secretary, respectively, the police later detained one of the thugs.

The statement added that the council had learnt that a group of trouble-makers had resolved to “work” with the “police” to set up the council’s chairman, Mr. Lanre Arogundade, and dislodge the security officers employed at the Lighthouse at 3/5, Adeyemo Alakija, Victoria Island.

Urging the police to be objective in handling the issues, it criticised the manner the Special Anti-Robbery Squad, SARS, treated a petition by Mr. Lawrence Ojabo, one of the principal persons in the internal squabble the journalists’ union was then mired in, which he “spuriously and falsely” alleged that Mr. Arogundade stole union vehicles when, in fact, they were in his custody by virtue of his office.

4. The Federal Capital Territory minister, General Mamman Kotangora, on March 22, threatened to revoke the licence given to Ray Power 100.5 FM to transmit to the Federal Capital, Abuja.

General Kontagora issued his threat while on a visit to the site of the Aso FM owned by his ministry and wondered why an FM station based in Lagos could be received loud and clear in Abuja, 700 kilometers away.

He said: “I think there should be a range within which an FM station should operate, but Ray Power an FM station based in Lagos has taken over Abuja. They still want to erect a mast here. Is there no law banning them or are they licensed to operate nationwide?”

Ray Power 100.5 FM hit the airwaves in Abuja in January in what is seen as a big relief to listeners in that area who have been denied good quality radio reception and coverage for so long.

5. In a move that seem to intimidate and dare the resolve of journalists and other workers of the government-owned Daily Times and New Nigerian newspapers, former Information Minister, Chief John Nwodo (Jnr.), on April 1, accused workers of the organisations of being responsible for the misfortunes of the organisations.

Speaking to reporters at the presidential wing of the Murtala Muhammed International Airport, the minister said that his ministry had no money to give the two companies to pay the backlog of salaries owed their staff.

Chief Nwodo said that the subvention was not in the ministry’s budget and that there is nothing he could do to address the plight of the workers, mostly journalists, whose salaries remained unpaid for several months despite ultimatums to government to pay up and threats to go on strike.

According to the minister, “they are not on the budget of the federal government. They are supposed to be self-sustaining. The workers have contributed in bringing down these organisation to what they are now.”

Meanwhile, the one-month ultimatum earlier given the management of the organisations by the National Secretariat of the NUJ expired on April 15. But in a move that seem to indicate preparedness to negotiate by the Daily Times journalists, the local NUJ Chapel Chairman, Mr. Emmanuel Ekpeyong issued a fresh ultimatum which expired on April 27.

Speaking at a news conference held at the NUJ Press Club, in Lagos, on April 14, the journalists appealed yet again to the Federal Government to make money available to pay the nine months salaries arrears owed them.

Meanwhile, journalists of the South-West zone of the New Nigerian, on April 19 embarked on a work-to-rule action. The workers also urged the management to implement without delay the new minimum wage to civil servants.

They decried the discriminatory attitude of the management of the newspapers. They alleged that their Kaduna counterparts had been paid up-to-date and that they would not go back to work until their salaries were paid.

6. Force Public Relations Officer, Force Headquarters, Abuja, Mr. Young-Arebamen, on April 28, threatened journalists with arrest and prosecution if they failed to cross-check information relating to the police with his office before going to press.

The Force PRO was reacting to reports by some national dailies that the then Inspector General of Police, Alhaji Ibrahim Coomassie, and 14 Assistant Inspectors General would retire with effect from May 1, 1999, which he denied.

Arebamen said: "It is unfortunate that none of the newspapers or the syndicate to which they subscribe, made any attempt to cross-check with the Nigerian police to determine the veracity or otherwise of the story before going to press. The public has the right to know and must, therefore, be fed with the truth and nothing but the truth."

He criticised the journalists and observed that: "The much we know is that grape-vine and speculation are alien to news reporting. Journalists should not be ignorant or oblivious of the security implications of what they dish out to the public either as news or opinion."

Continuing, he warned: "In the interest of public peace journalists reporting on police activities should be careful and ensure to cross check their information before going to press, otherwise we shall apply the provisions of our laws, please."

7. A group of demonstrators on May 13, invaded the Alagbado Broadcasting Station of African Independent Television (AIT), to protest what they alleged to be lopsided reports by the station on the crisis in the Lagos State NUJ. The demonstrators numbering over 100 person alleged that the television station and its sister radio station, Ray Power, had been reporting slanted news stories against Lanre Arogundade, one of the factional leaders in the NUJ crisis. The protest march resulted in a clash leading to disruption of activities of the broadcasting station.

The protesters, led by a lawyer, Segun Aderemi, Chairman of Alagbado chapter of the National Conscience Party (NCP), marched from Kollington Bus Stop to the headquarters of the broadcast station located about two kilometers away from the Lagos – Abeokuta highway. The demonstrators had converged on the highway before proceeding to the AIT headquarters where NCP leaders addressed the crowd.

Aderemi said: "We're here to show our disenchantment with the biased reporting of AIT, and Raypower against Arogundade".

The protest was, however, briefly disrupted when a police rating guarding the AIT headquarters fired twice into the air to disperse the crowd. But the protesters regrouped chanting solidarity songs. The police rating was ordered by a senior AIT official to return into his guardroom, while the protesters renewed their agitation outside the AIT premises.

8. The former Chief of General Staff (CGS), Vice Admiral Mike Akhigbe, threatened to take The NEWS magazine to Court demanding N500million for an alleged libellous publication. The demand was contained in a letter dated May 17, 1999, sent to the magazine by the Admiral's counsel, Chief Mike Ozekhome.

According to the letter, the demand was made in reaction to a story titled: Akhigbe's Last Minute Deals, published in the magazine. The counsel claimed that the publication portrayed Vice Admiral Akhigbe in a negative manner.

Vice Admiral Akhigbe also demanded a full retraction of the alleged libellous story with a written apology within seven days of the date of the letter. The letter also demanded that publication of the apology should run in six consecutive editions of the magazine beginning with the edition that falls within the seven days ultimatum. The ultimatum lapsed on May 31, 1999. The magazine was also to cease further publication of “any other false and malicious story on or concerning” the CGS.

The letter added that the former CGS would take legal action at the expiration of the ultimatum if the demands were not met.

Earlier, the Principal General Staff Officer to the CGS, Gen. Musa Abba, had in a four-page reaction to the story, considered it “an eleventh hour smear campaigns aimed at tarnishing his honour and integrity of the CGS”, and said the magazine has certainly gone beyond the bounds of decent journalism in the publication.

According to him, the publication was designed to humiliate and bring considerable embarrassment to the CGS and his family.

“In the process, you have allowed your news magazine to be used by a cabal of mud slingers to see off Vice-Admiral Akhigbe in a hail of controversy when he stands tall in the doorstep of history to conclude a largely successful transition to civil rule”, Major General Abba stated in a letter addressed to the editor-in-chief of The NEWS, Mr. Bayo Onanuga.

Explaining the former CGS’s positions on a number of issues raised by the magazine in the publication, the PGSO to the CGS pointed out that “attempting to disgrace public officers out of office is a slant to journalism and an ill wind that blows no one any good”.

9. Some journalists in Ekiti State had to flee the state in May when they became the object of a manhunt embarked upon by detectives of the state security service over their reports believed to be offensive to the then military government of the state.

Sources said the affected journalists, included the state correspondents of The Punch, Kayode Fasua, Adebayo Jackson, of The Diet, Dele Akinsola of the News Agency of Nigeria (NAN), and Dele Jejelowo of The Hope newspaper based in Akure, Ondo State.

In one such instance, on May 11, a dark complexioned and well-dressed lady called at The Punch office, Ado-Ekiti, claiming to be a staff of the newspaper in Akure. She demanded to see Fasua, saying she had an urgent message for him from the Lagos head office, but refused to mention her name. Investigations revealed, however, that there was no such person on the staff of the newspaper.

10. The controversy surrounding the privileges for National Assembly members took a dramatic turn July 6, when Senator Kure Mohammed, called on the Senate to bar the press from covering the proceedings of the upper House.

Mohammed, speaking on the floor of the House, said that he was making the call because the press, particularly the Ray Power radio station, was creating bad image for legislators through mischievous distortion of facts on the issues.

According to Senator Mohammed, the press alleged that Government had given over N1.6 billion to the legislators as furniture allowance even when they (press) were aware that living quarters were yet to be completed and allocated to the legislators. “If this distortion continues, the press should be banned from the House,” he remarked.

Contributing to the debate, Senator Arthur Nzeribe said that the issues of welfare for senators should be taken seriously as the public were being fed with falsehood arising from the speculation that N5 million have been given to each legislators as furniture allowance. He, therefore, suggested that an Ad-hoc committee of the whole House be set up to liaise with government, verify and report back to the House the true position of their accommodation arrangements.

11. The Independent Communications Network Limited, publishers of The NEWS magazine on July 30, alerted Nigerians of threats to the lives of their editors and staff.

In a press statement signed by the company's general manager, Mr. Idowu Obasa, the company said an unidentified person made a call on July 29 to the organisation, warning the editors and staff to abandon the story they were doing, otherwise they would be visited with attacks.

In the statement, Mr. Obasa alleged that: "Shortly after The NEWS magazine published the Buhari story, threat calls were received by staff members of our Abuja Bureau. We alerted the world.

"On Thursday night, at about 10.00p.m. a call came to our office, through a line which has never been published and which is known only to a few of our staff. The caller said. 'You should stop what you are doing, if not we are going to kill you. In fact, we are coming to your house tonight.'"

The caller dropped the phone immediately after. The press statement wondered how the caller knew the particular number which is dedicated to the organisation's production centre and which has never been given out to anyone.

The statement added that: "Just as we were pondering over this, several calls in quick succession came in through our other two well-known telephone lines. Each time the phone was picked, the caller said nothing, but terminated the call.

"These calls may be intended just to scare our editors and staff. They may be forewarning of some diabolical plots against us. We do not know the purpose. But we believe it is our duty to alert fellow Nigerians about these threats. Our company's lawyer, Mr. Femi Falana, has been informed about this development and has been instructed to send a Save-Our-Soul letter to the Inspector-General of Police, Alhaji Musiliu Smith".

12. Armed policemen were on August 4 drafted to eject striking workers from the premises of the crisis-rocked Sketch Press Limited, worsening the industrial crisis in the media house. The workers had on July 30 embarked on an industrial action to press for the payment of three months salary arrears owed them by their employer and improvement of their welfare.

Heavily armed policemen were drafted to man strategic positions while staff gathered around the main entrance gate outside the premises.

13. Unknown persons, in the early hours of August 12, broke into the Benin offices of TELL magazine and literally turned the place inside out. The invaders ransacked the office with drawers pulled out and their contents scattered on the ground. They did not remove anything from the office, leaving the impression that they were not thieves but after something else.

The night marauders gained entrance into the office through the back window, after climbing the very high fence from the adjacent compound. They then removed two louver blades before cutting the iron window protector.

The magazine in a report in its August 23 edition, said "it is suspected that the invaders may be searching for documents in view of the Buhari/Enwerem saga now (then) threatening the political careers of many politicians across the country". The magazine added that it gathered that prior to the invasion on its offices, the secretariat of the Peoples Democratic Party (PDP), in Edo State was broken into with some politicians files allegedly removed. The incident was reported to the police which, until the end of the year, had made no progress in its investigation.

14. The Minority Leader of the Yobe House of Assembly Goni Bukar Ma-Kinta, on August 16, accused Radio Nigeria, Kaduna of not publicising the proceedings of the House. Speaking on the floor of the House in Damaturu, Makinta alleged that none of their deliberations were aired by the station.

The accusation, which drew mixed reactions from other members, was, however, withdrawn following an observation by some lawmakers, who objected to Makinta's channel of presenting the case. Not done, Makinta, however, said that he would represent the matter to the house for deliberation.

But the Yobe correspondent of the station, Alhaji Musa Isa, in a reaction to the issues said that the allegation was baseless, pointing out that the station should rather be commended for its good work. He explained that some of the lawmakers, who earlier raised the issue with him privately were given adequate explanation, adding that records were there for anyone to cross-check. He said he was ready to appear before the house to disprove the allegation.

NAN reports that members of a particular political party in the state had, in the past few months, complained to individual journalists in the state over what they described as the non-coverage of their activities. Sources said that the politicians had opened a "black book" for some journalists regarded as "friends of their enemies."

15. Gani Fawehinmi, a Lagos lawyer and human rights activist, during the week of August 16 to 20, petitioned Mr. Musiliu Smith, the Inspector General of Police, over threats to the lives and property of directors and staff of TELL Communications Limited, publishers of TELL magazine. In the petition, Fawehinmi urged the IG to use his powers as the head of the Nigeria Police Force to protect "our client and its officers from possible harm." Ebun-Olu Adegboruwa, a lawyer in Fawehinmi's chambers, signed the petition.

This action followed a letter written by TELL magazine management to the Chambers alleging threats to their lives and property over publications on the antecedents of Chief Evan Enwerem, the then Senate President. Among other things, the magazine published in several editions, allegations of a 'dark' past, and falsification of age and schools, which Chief Enwerem attended. But the Senate, the Upper House of the law-making body, cleared him of all the allegations. He was, however, later impeached for non-performance.

In the petition, the magazine alleged that its staffers had, since the publication of stories on Chief Enwerem, been receiving anonymous telephone calls threatening them to either stop further publications on the issue or be ready to face the consequences.

A TELL reporter who was sent to Atta, Chief Enwerem's hometown, to investigate his past was attacked. The reporter reported that he was told by his attackers: "You are lucky, people are around here, we would have dealt with you. What is your business if Enwerem is a thief? Are you a politician?"

16. A former security officer to the former Military Administrator of Zamfara State, Captain Osana, in August, took to harassing journalists for allegedly "writing negative stories" on his kinsman and former boss, Colonel Jubril Bala Yakubu (rtd).

Narrating his encounter with the former security officer, one of the journalists, the correspondent of A Yau, a Hausa newspaper, Mallam Hamisu Danjigba, said Captain Osana accosted him saying: "We have been reading all that you have been writing about Oga (the former military administrator). We are surprised and disappointed that it is you doing this".

17. The Kogi State correspondent of Daily Monitor newspapers was in August threatened and warned by two suspected hired assassins to leave the state or lose his life. The suspected hired assassins had called on the correspondent, Mr. Olufemi Yahaya, with intent to attack

him but did not meet the journalist. The hoodlums then threatened to burn-down the newspaper office if the correspondent fails to move out of the state within two weeks.

The state chapel of the NUJ in a statement appealed to the State Police Command for adequate protection for Mr. Yahaya, and all other journalists in the state. They described the said ultimatum given to the Daily Monitor correspondent as uncalled for, stressing that anybody who is not comfortable with any publication could seek redress legitimately from the law courts.

18. The Chairman of the Information Committee of Enugu State House of Assembly, Mr. Callistus Nnamani, on August 31, launched a verbal attack on journalists covering the House over reports concerning the conducts and actions of some members. Nnamani, who claimed to be a journalist himself, attacked pressmen over the report on the purported plan of some lawmakers to impeach the speaker, Cletus Enebe.

His grouse was that they reported on a meeting which took place at Abuja while in his opinion, they (the journalists) were supposed to concern themselves with events in Enugu, where they were in charge.

However, his statement on the issue resulted in negative reaction from among the lawmakers most of who told him that he had no right to speak for the House about the publications in the newspapers while some lawmakers threatened to remove him as the chairman of information committee in the house.

Nnamani, meanwhile, admitted that he traveled to Abuja during the weekend the clandestine meeting took place to observe the proceeding in the National Assembly. He was quoted as saying: "I went to Abuja purely on private visit to witness proceedings at the National Assembly." This explanation did not satisfy other legislators who wondered whether members of the National Assembly sat on Saturdays.

19. The Odua Liberation Movement (OLM) on September 7, 1999, threatened to invite the ire of Oduduwa, the Yoruba god, on DAAR Communications Ltd, parent body of African Independent Television (AIT), Ray Power 100 FM and Ray Power 2 FM over its broadcast of Hausa service programme of the BBC on Ray Power 2 FM. The group said it considered the broadcast as a "cultural imperialism, an affront on the collective intelligence of Yoruba race and an attempt to impose Hausa as the country's national language."

The OLM, had in a letter dated September 7, signed by its General Secretary, Mr. Popoola Ajayi warned DAAR Communications to discontinue its BBC Hausa service programme aired on Ray Power 2 FM describing it as cultural imperialism which "tends to undermine the cultural values of your host (Yoruba) which obviously has negative effects on the psyche of present and future generations of Yoruba race."

OLM further threatened that if the programme was not discontinued in Yoruba speaking areas of Kogi, Kwara, Ondo, Ekiti, Osun, Oyo, Ogun and Lagos States within two weeks, it would not hesitate to call the god of Oduduwa to deal with the establishment.

But DAAR Communication, in a letter by its General Manager (Services), Mr. Ladi Lawal, stated that it viewed the threat with high sense of responsibility and serious concern and cannot wave it aside, considering the past worrisome records of the group. Lawal stated that, DAAR Communications has never and will never promote narrow and selfish interests, as it is "irrevocably committed to the cause of the black race in the comity of nations."

It added that it is under a constitutional oath to "promote national interest, unity and cohesion and never to use our stations to offend religious sensibilities, promote ethnicity, sectionalism, hatred and disaffection among the peoples of Nigeria."

It noted that the present democratic process and the quest for foreign investment may be negatively affected by this type of threats since investors will not feel a sense of security in the country.

In another letter to the OPC, Lawal pleaded with the group for its understanding, noting that DAAR Communications' "collaboration with BBC is a major step to encourage the need to promote the culture and language of other races in Nigeria." Lawal also stated that "we have concluded arrangements to begin indigenous news service on Raypower 2, 106.5FM."

20. Mr. Ofomine Umana, The Punch correspondent in Bayelsa State on September 16 1999, petitioned the state governor over threats on his life by some members of the State House of Assembly. Mr. Umana wrote that he was "constrained to write to your office on the repeated threats to my life by some members of the State House of Assembly."

According to Umana in the petition, "on Tuesday, August 17, there was crisis in the Assembly and two of the members, Ogilive Kenigbolo and Samuel Boy were injured. I was among the first set of people to visit the Federal Medical Centre where one of the injured persons, Mr. Boy was receiving treatment."

Mr. Umana said, as a reporter, he wrote his story on the incident and exhibited the objectivity needed in such report, regretting that since then, he had received series of threats to his life from some members of the House.

He gave an instance of an encounter on August 30 with Mr. Boy at the NITEL premises in Yenagoa. Mr. Boy informed him that he learnt that the story the correspondent did on the crisis in the House was in favour of the Speaker, Mr. Heineken Lokpobiri. Mr. Boy said further that the journalist did not indicate that the Speaker hired thugs to kill him. According to Mr. Umana, "I told him that the story in question was an objective reflection of what happened."

He added: "Mr. Boy became enraged. He was to reach for a bottle with which he would have hit me, when his colleague, Mr. Jephath Foingha, blocked him. He said he would kill me despite the implications. He warned me not to come near the Assembly again."

Apart from Mr. Boy, the correspondent also alleged that Mr. Bolomowi IndiamaoWei and Mr. Target Segibo, two other members of the House made similar threats on him on September 16.

21. The Federal Government in September, threatened to ban public and private broadcasting stations from airing joint programmes with their foreign counterparts because of what sources said government considered the "security implications".

Sources said the decision was reached at an emergency meeting of President Olusegun Obasanjo and the 36 state governors on August 30. Obasanjo was said to have advised that such joint agreement be terminated in the interest of the country's social integrity.

The President was said to have noted that the emerging trend of hooking-up with foreign stations was capable of endangering state security and implored signatories to such agreements to terminate them forthwith. He said even in Washington, the United States government deliberately blocks the British Broadcasting Corporation (BBC) programmes and those of other foreign stations from reaching the public.

Sources close to the Presidency also confirmed on September 2 that the NBC might have been directed to deal with stations operating such programmes.

22. The NEWS magazine was in September threatened with a libel suit by Mr. Mr. Olatunji Kwami Bajulaiye, a Chief Magistrate with the Lagos State judiciary. He called for

the retraction by the magazine, of the report of the Justice Kayode Esho panel on the state of the judiciary published by the weekly magazine. His lawyer, from Victor U. Opara Chambers, gave the magazine 48 hours to retract the story or be liable for libel after the ultimatum expires.

In a letter to the editor-in-chief of the magazine signed by a counsel from the Chambers, Mr. Frank Eke, and titled: Defamation of character, Libellous Publication concerning Olatunji Kwami Bajulaiye, the management of the magazine was directed to retract the story associated with the magistrate in the publication.

According to the counsel, Bajulaiye was portrayed in the publication titled: Tainted Judges, as “a magistrate with general and persistent reputation for corruption”.

He claimed that “the portrayal in those offensive words in their ordinary meaning have lowered the esteem of the magistrate in the eyes of right thinking members of the society and exposed him to hatred, contempt and ridicule as well as discredit his office and profession.”

Against this backdrop, the counsel, therefore, demanded a retraction of the publication, an unreserved apology in writing which will be published in the same magazine and N50 million being damages resulting from the publication or be prepared to face court action.

23. Some journalists on the staff of The Source magazine were reported to have been variously threatened during the month of September over the magazine’s publications on the Governor of Lagos State, Senator Bola Tinubu.

According to the magazine publisher and editor-in-chief, Ms. Comfort Obi, no less than seven different people called to intimate her that The Source and its editors and journalists had been labeled anti-Tinubu, because of the magazine’s focus on the allegation of false claims sworn to on oath by Governor Tinubu. The threat was said to be mainly issued by Mr. Dele Alake, Tinubu’s Special Adviser on Information and Strategy and later Commissioner for Information.

The Source was accused of being prompted by the former Military Administrator of Lagos State, Brigadier-General Marwa rtd., whose first wife, Zainab, is Comfort Obi’s cousin. She recounted that Senator Tokunbo Afikunoyomi had similarly accused her of pursuing a “Marwa’s Agenda”. Afikunoyomi, she said, had told a couple of people: “She is fighting Tinubu because Marwa is her in-law.”

Obi was also accused of sponsoring a soft sell magazine, Encomium, to similarly focus on the Tinubu story. Ms. Obi recalled that one of her reporters had been told by Mr. Alake during a face-to-face meeting that: “The Source is getting involved in high wired politics, and in such politics, (pointing to my reporter and then at himself), you and I are expendable. You are in Lagos and you are fighting your landlord.”

24. Mr. Emma Anyigor, The Post Express reporter covering the office of the Minister of the Federal Capital Territory (FCT), was on October 7, 1999, physically harassed at the premises of the minister’s office while attending to his beat.

The reporter was threatened and harassed by some staff of the authority where he had gone to carry out his legitimate duty. The intimidation and threats were in connection with a story by the correspondent on an on-going probe into contracts awarded by the FCT in the past five years.

According to Anyigor, on that day, he had reported to the Ministry for the day’s job but as he made to enter the minister’s office block at about midday, a man in his early thirties emerged and grabbed the journalist by the neck and shook him vigorously.

Shouting at the top of his voice, the assailant asked: “Are you the Emma who wrote that nonsense about my Oga? Are you...? By the time I finish dealing with you, you will regret ever being a journalist at (this) FCT secretariat!”

While the scuffle lasted, the reporter, who had initially been too shocked by the crude behaviour of the young man, managed eventually to ask his assailant who he was, what story he was referring to and which Oga the said story was written about. But every attempt at extracting the attacker’s identity was unsuccessful, as the strange man kept repeating the threat that the FCT authorities would “deal” with the reporter for writing “bad” stories.

A day before the incident, Anyigor, a senior reporter with the Abuja Bureau of The Post Express, had reported the scathing criticisms and verbal abuse rained on him by some staffers of the office of the chief press secretary (CPS) to the FCT Minister, Mr. J.B. Awe. Their contention was that his report on the inauguration of the panel by the Minister, Ibrahim Bunu, to probe contracts awards in the FCT within the last five years, had mentioned General Mamman Kotangora (rtd), the immediate past minister of the FCT, as one of those to be affected. The “offending” story was the lead story of The Post Express of October 6, 1999 edition entitled: Useni, Kontangora Under Probe Over N2.9billion Debt.

The reporter promptly reported the development to the minister’s CPS, who dismissed it. Anyigor reportedly avoided the beat for one week, to allow the dust settle over the matter, but was shocked again when he was manhandled by yet another man, also suspected to be an agent of the FCT authorities.

25. Workers suspected to be leaders of the Nigeria Labour Congress (NLC) in Osun State marched to the premises of the State Radio Station on October 16, 1999, and ordered the station off air.

The striking workers harassed the staff on duty and some of the freelance artistes in the premises. The workers also harassed the station’s Director of News, Mr. Sam Bamidele. NLC, it was gathered, was angry with the managers of the station for breaching an agreement they allegedly reached not to air any news item. NLC leaders had warned staffers of both the State Radio and Television Station to only play music for the period they intended to transmit.

The NLC in Osun State went on strike to protest back-log of unpaid salaries arrears.

26. The Chairman of Nigerian Newspapers Distribution Association in Enugu State, Mr. Clement Egbuche, was on October 19, 1999, invited by the State Security Service (SSS) to its state headquarters. He reported on October 22 and was questioned by the SSS for allegedly selling the publication, Newsbeat Extra.

Egbuche who was released after questioning said the SSS operatives who interrogated him described the materials as “subversive publications.” He said he was advised to stop members of his association from distributing the “offensive publications.” He added, “I politely turned down the advice as I am aware that the publications are not banned by the government.”

Reports also indicated that in other eastern towns like Onitsha, Owerri, Port Harcourt, Aba and Umuahia, vendors who sold publications that give prominence to stories on alleged moves to revive the Republic of Biafra were also harassed by men of the SSS.

The same situation obtained in Lagos, where some vendors, out of fear, started withdrawing such publications from circulation following rumours that SSS operatives were on their trail.

27. Chief Bisi Akande, the executive governor of Osun State in November gave a seven-day ultimatum to a Lagos-based soft-sell magazine, City People, to pay him the sum of five hundred million naira (N500 million) for allegedly referring to him as a drug baron.

A letter written to the magazine on his behalf by his counsel, Chief Adegboyega Awomolo (SAN), said the magazine's allegation that Chief Akande was a drug baron was false. It said further: "Your publication was made recklessly and maliciously with intention to ridicule, annoy and damage our client's hard-earned reputation and bring indignity to his office as the executive governor of Osun State."

The lawyer claimed that the publication of the story was to "make money in total disregard for professional ethics and the rights of our client as an innocent citizen of this country."

Chief Awomolo, therefore, demanded that the magazine publish in its next issue, a full and complete withdrawal, retraction and apology for the said publication and to give written assurance and undertaking that it would not further publish the story or any similar article concerning Chief Akande.

The magazine was to, without fail, pay the sum of N500 million "as damages for the injury" to governor Akande's reputation and embarrassment within seven days.

The story alleged that the National Drug Law Enforcement Agency (NDLEA) had reopened an old drug peddling case in which the governor was fingered by a Nigerian suspect arrested in the United States.

28. The dreaded Egbesu Cult of the Niger Delta on November 5, threatened to deal with journalists who link evil acts to the cult.

In a statement issued in Port Harcourt, Rivers State, the Chairman of the Supreme Egbesu Assembly (SEA), Werinipre Digifa, accused the press of "using the name of Egbesu for their selfish and financial gains." He said Egbesu is one of the means through which the Ijaws/ Izons of the Niger Delta communicate with God like Christians do through Jesus Christ.

He advised journalist writing about violence in the area to identify the perpetrators rather than make general reference to Egbesu and challenged them to live up to the tenets of their profession by embracing investigative journalism.

29. Three men suspected to be hired assassins visited the apartment of Mr. Reuben Mouka, Deputy Communications Editor of Vanguard newspaper on November 8, 1999 in Surulere in Lagos.

Reports said that the three men arrived the vicinity at about 3.00pm and parked their car. Thereafter two of them disembarked from the car, walked to the gate of Mr. Mouka's apartment from where they took their time surveying the compound in total disregard to the security man's protests. They didn't ask any question. The third man was said to be in his car holding a gun while it is believed that the other two had concealed weapons. Nobody was at home at the time of the incident.

Mr. Gbenga Adefaye, the Deputy Editor of Vanguard said in a statement the matter had been reported to the Divisional Police Officer (DPO) at Iponri Police Station and that they had already written to the Lagos State Police Commissioner to provide escorts for Mr. Mouka.

Providing possible motive for the suspected assassination, Mr. Adefaye said: "Mr. Mouka had very recently uncovered and reported many shady dealings in the telecommunications industry, including the activities of some companies in Nigeria which has led to loss of huge amount of money by this country."

30. The Enugu State council of the Nigeria Union of Journalists (NUJ) petitioned the speaker of the Enugu State House of Assembly, Mr. Cletus Enese, over threats to the life of Mr. Psaro Yoramue, of The Punch by some members of the House of Assembly. The Union, in the petition on November 17, warned that “the NUJ will spare nothing and will go to any legitimate length to protect its members’ rights”.

The NUJ demanded four conditions to be met by Mr. Uche Eketete, one of the members of the Enugu State House of Assembly who issued the threat on the life of the journalist. These include; tendering unreserved apology to Mr. Yoramue and the State NUJ; and also to tender unreserved withdrawal of the threat to the life of Mr. Yoramue.

Threatening it may boycott coverage of the house, the NUJ demanded that “the Enugu State House of Assembly should affirm the safety of Mr. Psaro Yoramue and all journalists on duty at the house.” It called for a full inquiry into the ugly affairs with a view to appropriately sanctioning Eketete. The Enugu State governor, Dr. Chimaroke Nnamani, the State Police Commissioner, Mr. Yakubu Ubah and the National President of NUJ, Lanre Ogundipe were copied.

31. The management of Daily of Times Nigeria PLC, publishers of Daily Times newspapers alerted the nation on November 19, 1999 on the activities of a gang which had laid siege to its premises since August. The gang, report said, is made up of about 15 people including a man who claims to be a magistrate, two women and two policemen.

The group claims to be acting to execute the judgement of an Ikeja High Court in a libel suit that has been pending for over ten years now. The group had attempted on several occasions to remove Daily Times property but each time Daily Times photographers try to take their photograph they reportedly ran away.

The management of the media house said it acknowledges that it had its obligation and social responsibilities to the nation and its business partners. It stated further that it had employed the services of consultants who were working to ascertain the level and genuineness of its debts and that when these are confirmed, they would be paid on mutually agreed terms.

It, however, warned that: “Such efforts could be hurt by the activities of faceless elements using thugs and touts to execute an agenda that is at variance with the stated goal of redeeming the national institution.” It concluded by avowing that it does not intend to yield to blackmail.

32. The northern elite in November resolved to establish a scheme that will offer legal services to northerners maligned or libeled by the “south-west” press. This proposed action is sequel to a two-day conference titled “Reporting the North” held in Kaduna on November 26 and 27, 1999. Participants at the conference believed that the north lacks media houses to counter propaganda against it.

A communiqué issued at the end of the conference noted that there is no powerful media in the north to reflect northern views and values and that Northerners have suffered in the hands of the south-based press without commensurate medium of reply.

The communiqué stated that the conference was meant “to seek to improve the media coverage of the north and end its almost total reliance on news organisations other than its own.”

The conference believes that the media in Nigeria has been ethnicised making it dangerous to the practice of journalism, which should be mindful of national interest. It therefore resolved to “establish a Trust Fund for media development in the north from which aggregated resources and materials can be drawn for development and sustenance of virile and credible media organs in the zone.”

The conference also lamented the lack of interest by Northerners in investing in the media industry like their southern counterparts, stressing the importance of the media in the promotion of social, cultural and political advancement of society.

Participants also supported the call by northern state governors requesting the transfer of ownership of the New Nigerian newspapers and the FRCN Kaduna to 19 northern states with all necessary compensations paid to the states by the Federal Government for the years it took over the places.

33. Ebon Industries Limited in November, threatened to sue This day newspaper if it did not retract, within seven days, an advertisement it carried in its November 23, 1999 edition titled: Disinformation on the Cocoa Industry – the hidden Agenda and Disinformation on the Cocoa Industry – of fraud and denial of Government Assistance. The Industries also want Thisday newspapers to tender an apology to Ebon Industries and furnish their legal advisers, the names and addresses of the advertisers who placed the announcement.

This threat is contained in an advertorial published in The Punch November 29, 1999 through the legal advisers to Ebon Industries Limited, Chief Afe Babalola. The lawyer threatened to take necessary legal action against the media house and “claim aggravated damages for the incontrovertibly libelous publication” if it failed to meet these two conditions.

The lawyer noted that the advert was repeated in the November 24, 1999 edition of the newspaper and said: “The repetition of the publication implies in law that it was willful and deliberate.” Chief Babalola went further to state that: “This element of willfulness in law makes your organisation liable to aggravated damages.”

The lawyer thereafter ‘strongly advised’ the media house against repetition of the same or similar libel in its newspaper.

34. Mr. Ogonnaya Okorie, publisher of Ebonyi Times newspaper based in Abakaliki in Ebonyi State in November, alerted the State Police Commissioner over alleged threats to his life by agents of the State government.

In a petition titled: “Threat to my Life” addressed to the police Commissioner, he alleged that: “Unknown but undesirable agents, suspected to be either security operatives or thugs have visited my office and home, sometimes at odd hours, to look for unknown persons.” He subsequently went to Enugu where he took refuge.

Narrating his ordeal in the petition, Mr. Okorie said, “these people have been fended off by staff and relations until I had the opportunity to leave town.” He added that he had received series of threat letters and telephone calls from unknown people. These, he said prompted him to leave the State in fear for his life. He, therefore, appealed to the Commissioner of police to ensure his safety both in Abakaliki and the entire Ebonyi State since he had not committed any offence except carrying out his “constitutional press duties.”

Earlier on November 9, five plain-clothes security operatives from the Ebonyi State Police Command, Abakaliki raided the No 14 Ogoja Road office of the Ebonyi Times, in Abakaliki. They arrested Kingsley Eze a newspaper distributor and seized unspecified number of that week’s edition of the publication.

35. Mr. Jackson Adebayo, Editor of Ekiti Sun, a weekly tabloid published in Ekiti State, went into hiding in late December following intensive police manhunt for him and security surveillance on his office and home in Odo Aremu area of Ado-Ekiti in Ekiti State. His offence, according to the State Police Public Relations Officer, Mr. Emmanuel Ighodalo, who is the leader of the manhunt team, is his alleged Secretaryship of the Pan-Yoruba cultural group, Oodua People’s Congress (OPC).

His pregnant wife, Roseline, also complained of incessant harassment by security agents who had been regularly searching and ransacking their home and his offices since December 13, 1999 even though no incriminating document were found during these searches.

Reports said Mr. Adebayo was allegedly ordered arrested by the State government following a Security Council meeting held in the State on December 13. It was learnt that the State government had at the meeting handed the Police a list of OPC members for “prompt action” sequel to an allegation that OPC had “fully arrived” in the State.

The Ekiti State council of the NUJ subsequently petitioned the State governor Chief Adeniyi Adebayo denying Mr. Jackson Adebayo’s membership of OPC. The petition titled: SOS on Man-hunt of Mr. Jackson Adebayo, signed by the council Chairman, Lani Baderinwa, alleged ulterior motives for the manhunt. It said in part: “We are of the opinion that some people somewhere are out to square-up with Adebayo over perceived wrong doing.”

Jackson Adebayo is also the Assistant Secretary of the Ekiti State NUJ.

36. The Minister of Sports and Social Development, Mr. Damishi Sango, at a meeting with the Senate and House Committee on sports on December 10, 1999, in Abuja, blamed the Nigerian press as being responsible for his ministry’s woes.

Mr. Sango had received a letter querying his approval of the sum of \$300,000 for Jo Bonfrere as National Eagles’ technical adviser and the shoddy preparation for the Nations’ cup. He told the members of the Committee not to believe everything they read in the papers, assuring that plans were on track for the Ghana-Nigeria 2000 Nations Cup Competition.

37. Persons claiming to be members of the Pan-Yoruba cultural group, Oodua People’s Congress (OPC), on the night of December 14, 1999, made several telephone calls to the corporate headquarters of The Post Express newspapers threatening to deal with its editors. The callers warned that by the time they finish with The Post Express, the editors would come to their senses. They allegedly kept the media house telephone lines busy throughout the night as they took turns to issue threats over The Post Express alleged biased reporting of their activities.

The Post Express recalled that these threat calls climaxed a welter of such threats and hostile remarks against it by members of the group. It cited a recent unsavoury remark by the leader of one of the factions, Mr. Ganiyu Adams, over the medium’s bold reporting of the activities of members of the congress.

38. The Ministry of Federal Capital Territory (MFCT) on December 31 issued letters of ejection to media organizations occupying rented flats in Area 3, Garki in Abuja. The block of flats, popularly called ‘Fleet Street’ has the largest concentration of newspaper offices in Abuja and accommodates The Punch, The Sketch, Newswatch, Democrat, Triumph, Nigerian Tribune and The Vanguard.

In a letter from the Special Duties Department with reference number MFCT/SO/HOV/008/3 dated December 31, 1999, and titled: Retrieval of Block 4 Flat 5, Cross River Street, Area 3, Garki, the media houses were given till Monday, January 3, 2000 to vacate the block. The letter was signed by Mr. G.O. Umeozulu on behalf of the Minister of the FCT, Alhaji Ibrahim Bunu.

The letter reads: “I am directed to request you to make arrangements to vacate the above mentioned flats latest Monday, January 3, 2000. Our initial idea of allocating the flat to you as we did to other media houses was to facilitate your movement to the Federal Capital Territory.”

SEIZURE OF PUBLICATIONS / EQUIPMENT / CLOSURE OF STATION

1. Policemen in Lagos on February 6, stormed the premises of Satellite Press in Ogba, Lagos, owned by former Sports Minister Jim Nwobodo, where they seized 80,000 copies of The News magazine.

According to a statement by Mr. Babafemi Ojodu, the magazine's managing editor, the chief accountant of Satellite Press, Mr. Kingsley Uwannah, was arrested for undisclosed reasons. The statement added that "The News production assistant, Mr. Kayode Sotuyi, was immediately handcuffed and arrested. He was, however, later released."

According to Ojodu, the policemen, allegedly acting on the orders of the Assistant Inspector General of Police Zone 2, Alhaji Ali Jos, later sealed off the press. The action was in connection with the cover story of the following week's issue of the magazine dated February 15, entitled: Abacha Co-Looters: Aluko Reveals It All, which was being printed.

The production manager of Satellite Press, Mr. Ome Williams, put the company's losses by February 8 since the premises was sealed off by the police on February 6 night, at over N300,000.00. Williams said that the police had visited the premises of the printing press on February 6 to arrest one of its workers on a private printing job he did for someone.

"They came with a suspect whom they arrested in Ibadan for selling publications allegedly against government. They refused to tell us the name of the publication. They arrested our staff who did the printing as a private job, but also sealed off the premises", Williams complained.

But the police denied the seizure in a press statement issued on February 9. It admitted to seizing only "printed covers" of the magazine, as opposed to the impression earlier created that it seized complete copies.

Saying that the seizure was not intentional, the Zone 2 police command explained in the statement that the police only conducted searches of three printing and publishing premises, the Satellite Press, John West Publications allegedly came up in their investigations concerning some inciting publications capable of undermining the peace and security of the nation.

"The police arrived in search of the printing films and plates of the inciting publications, which, however, have nothing to do with The News magazine covers," the police statement said.

The police did not explain why they had to arrest The NEWS editors and other staff even after it had effected the seizure mistakenly as it claimed?

2. The Borno State Command of the Nigeria Police in February swooped on the Arewa Vendors Associates, distributors of newspapers and magazines, in Maiduguri and carted away undisclosed number of comics, sex and love newspapers and magazines of various titles.

According to the Managing Director of the outfit, Mr. Monday U. Obugi, armed policemen came into their main office/store and seized unspecified number of copies of various magazine and newspaper titles, both un-sold and current copies on sale.

According to Obugi, "they did not stop at that but also seized all the copies of the magazines with the vendors meant for sale. This has really incurred for us a lot of financial loss amounting to over N300,000".

The managing director said police had maintained that they acted on directive from a higher authority and promised that after necessary investigation and thorough screening of the magazines, those that are fit for public reading would be released while those found to be unfit would be destroyed.

Obugi disclosed that he was subjected to lots of constraints and financial commitment to secure the release of his vendors marketing the magazines.

Among the magazines seized include How to Remain Sexually Active, Kiss Her Lips and Die; Adventure of Pamela; Today's Romance; Love and Life; and Lover's Game and Better Lover, among others.

3. Armed policemen on June 29 raided the home of the publisher of a Kaduna-based magazine, Hotline, Alhaji Sani Kontagora, in Kaduna, and carted away properties worth millions of naira. They were acting on the order of a Kaduna High Court following the magazine's alleged refusal to comply with the court's judgement on a libel suit involving Justice Anthony Aniagolu then of the Constituent Assembly against Hotline magazine and two former editors. The court had awarded the sum of N1million as damages and costs of N5,000 to Justice Aniagolu against the magazine. The suit opened in 1988.

Alhaji Kontagora, however, alleged political persecution in the action, saying the court took the decision owing to his recent criticism of government's policies which, he said, have not been favourable to the North.

Narrating his ordeal, Alhaji Kontagora said that the policemen came in a pick up van with Registration No. AE 493 BNG brandishing a court order dated June 24, 1999. He said that the properties seized were personal properties and not the magazine's. He pointed out that although the address of Hotline on the court order was 5c Ali Akilu Road, Kaduna, court officials including the bailiff accompanied by the policemen raided his private residence on 8A, Issa Kaita Road, Kaduna.

4. Demonstrating students of Osun State Polytechnic Iree, on August 20 sacked workers of radio service station of Osun State Broadcasting Service, Itokogun, Osogbo, and forced the radio station to be closed down by 8.30p.m.

The students led by their union president, Mr. Raji Razak, went on rampage following the alleged death of five of their colleagues in the hands of anti-riot policemen. They had earlier taken over the streets of Osogbo in a swift demonstration against the action of the anti-riot mobile policemen who attacked them on their campus in Iree, thereby eliciting sympathies from residents of the state before they headed for the radio station.

The demonstrating students said they were particularly irked by an announcement on the radio at about 7.30p.m. credited to the Police Public Relations Officer, Mr. Wole Adedeji, which claimed that cultists activities in the school was responsible for the students' death.

Reports said on their arrival, the students who alleged complicity on the part of the state radio locked all the doors leading to the station's studio chasing away all the engineers and continuity announcers on duty. The student took over the radio station's studio and Rasaan came on air to announce their take-over of the station. He had, however, only said: "The Students Union Government of Osun State Polytechnic, Iree..." when the transmitting equipment was put off air.

The radio station, however, resumed transmission August 21 at exactly 8.00 a.m. amidst heavy security.

5. Some policemen, presumably from Area 'F' command, on August 30, swooped on vendors in Ikeja, Lagos, arresting and detaining them, and seizing copies of TELL magazine for allegedly publishing pornographic materials. They allegedly demanded that each of the vendors and agents pay the sum of N16,000 for their freedom.

The policemen, according to the detained men, alleged that TELL carried a pornographic story. Apparently, the policeman involved in the operation either did not read the story or understand its contents. The story titled: Sex Merchants Invades Lagos, was an

expose on the emerging sex market in the country and its attendant dangers. According to the magazine, the decision to publish some of the pictures of the magazines and video cassettes of the sex vendors was to bring home the reality of the situation and present the story as it is. It said that enough care was also taken to blot out parts that some people might deem offensive.

In the story, the dangers of the novel sex trade were highlighted, while official reactions were sought for clarification of grey areas. The then Lagos State police command spokesman, Paddy Ogon, was one of those interviewed for the story. Ogon had told the magazine that the police command was aware of the illicit business and had even seized copies of the offensive publications in the past.

The magazine wondered why some police officer would resort to seizing copies of a magazine that was merely doing its duty of informing and educating the populace on trends in the society. Ironically, most of the pornographic magazines are still being openly displayed on news-stands.

6. The National Broadcasting Commission (NBC) on September 13, shut down an Ibadan-based cable transmission station, called Here and There Television.

A statement issued in Abuja, by the Lagos zonal director of NBC, Mr. Eddy Aina, said that the action, which took immediate effect, was “sequel to defects in the operations of the station, which contravened the national broadcasting code.”

He explained that the management of the station operated an “open television station for which it does not have the license, instead of cable transmission,” and “transmits only one channel out of the three allocated to it, contrary to laid-down regulations.”

Aina said that the station would remain “shut until it is prepared to encode its programmes, in line with operations of Microwave Multi-point Distribution System (MMDS).

In a statement signed by the station’s managing director and chief executive, Mr. Yomi Davies, it alleged the shut-down order came without prior investigation or warning. He described the action of the NBC as hasty and punitive “especially as it was neither a case of transmitting offensive, inciting or anti-government programme.”

7. The Nigerian Customs Service on October 2 seized about 20,000 copies of the October edition of Africa Today, a London-based pan-African monthly magazine. The General Editor (West Africa), Mr. Muyiwa Akintunde, disclosed this in a press statement issued on October 6. The seizure was attributed to an interview with a former governor of Kaduna State, Alhaji Balarabe Musa, published in the edition.

Alhaji Balarabe Musa was said to have in the interview castigated President Olusegun Obasanjo for running what he described as the government of Afenifere (the political rallying force of the Yorubas, the dominant ethnic group of the south western Nigeria from where the president hails).

The statement explained that the consignment was being loaded into a vehicle when the Customs Area Comptroller for the Lagos Airport, Alhaji Daura ordered that it be re-examined. Apparently uncomfortable with the headline, he instructed that the copies be returned to the store until he got clearance from his bosses in Abuja.

It was not until October 7, following public out-cry of the seizure, that the magazines were released.

8. Men of the State Security Service (SSS) in Gboko in Benue State, early October confiscated hundreds of copies of the maiden issue of Newsbeat Extra, a newsletter. The edition had as its cover story; Fresh Moves To Revive Biafra.

The Gboko distributor of the magazine, Mr. Samuel Okwudi of Samke News Agency, was arrested, questioned and warned not sell newspapers with such “provocative” headlines and stories.

The confiscated copies of the newsletter were not released.

9. Policemen on October 14, forced Degue Broadcasting Network (DBN) to go off air temporarily following the seizure of its broadcast equipment at its transmission site. The seizure of the equipment were done in execution of an order of a Federal High Court in Lagos in a suit alleging copyright violations. The Solicitor to the plaintiffs in the suit, Mrs. Oluwatoyin Subair; Court Bailiff and Mr. Agim Inyaka, a senior copyright inspector from the Nigerian Copyright Commission, accompanied the team of policemen.

The court was said to have given the order in favour of Colombia Tryster International Incorporated, Electronic media network and Multichoice Nigeria the right to seize the broadcast company equipment over copyright infringement leveled against it.

10. About five plain-clothes security operatives from the Ebonyi State Police Command, Abakaliki on November 9, at about 1:45pm raided the No 14 Ogoja Road office of Ebonyi Times, in Abakaliki. They arrested Kingsley Eze a newspaper distributor and seized unspecified number of the current edition of the publication.

The security operatives who raided the offices in a cream coloured pick-up van followed it up with repeated calls at the NUJ Press Centre, obviously in search of journalists to pick.

The action was suspected to be in connection with an article in that week’s edition of the newspaper linking the administration of Dr. Sam Egwu to the dictatorial regime of Navy Capt. Walter Feghabo (rtd), pioneer Military Administrator of the State. The newspaper issued no official statement as the Editor-in-Chief was out of the State.

10 PREVENTION FROM PERFORMING DUTY (DENIAL OF ACCESS TO INFORMATION) / SUMMONS

1. On March 4 and 5, scores of journalists were denied entry into the premises of the former Chief of General Staff (CGS), Lt. General Oladipo Diya, by the family. The journalists had gone to the No 31, Fajuyi Road, Ikeja GRA residence of the former CGS who was released from prison by the government on March 4, to monitor the mood of the household.

But the security men at the gate turned back journalists without any explanation while numerous friends and well-wishers were allowed into the compound.

But it was later gathered that the gatemen were acting on the orders of Simi, Diya’s eldest son, and other family members, the security men at the gate turned back journalists, many of whom perched on cars and brick walls in front of the house.

Entreaties by some photojournalists and television cameramen to take some shot of the scenario inside the compound were rebuffed.

2. The acting Director of Defence Information (DDI), Lt. Colonel Sam Tella in May ordered the withdrawal of the accreditation of THIS DAY and The Guardian correspondents at the Defence Headquarters.

The order was a reaction to a report carried by the newspapers on what transpired between the Defence Correspondents and the now retired Chief of Defence Staff, Air Marshall Al-Amin Daggash, on May 12, at a function in Lagos. The former CDS was said to have driven away newsmen who approached him for his opinion on some national issues.

3. Journalists accredited to cover activities of the National Assembly were on June 3 barred from gaining entrance into the Senate Chamber. The information officer manning the entrance to the public gallery of the Senate Chamber told journalists that the area was reserved for invited guests.

“The public gallery is meant for invited guests. Journalists are not needed here,” he said, to the astonishment of the journalists, who were officially registered to cover events at the assembly. They had to force their way into the gallery.

4. Journalists and pressmen were on June 3, also barred from observing and recording the inaugural sitting of Delta State House of Assembly. The press was neither informed of nor invited to the inauguration of the House.

When the House was about to be inaugurated, the press and public galleries were cleared on the orders of the Clerk of the House, Mr. Dan Okenyi. Thereafter the election of the Speaker and his deputy were conducted. The Governor, through Mrs. Isioma Nwabuoku, a legal officer with the House, proclaimed the first session of the House before finally letting in the pressmen.

5. For reasons that could not be ascertained, the Federal Capital Development Authority (FCDA), on June 29 barred journalists from covering its activities.

In a circular (first dated June 29 and later changed to May 29, 1999), the Chief Press Secretary to the former minister of the FCT, Okon Etim Bassey, said that he was also disbanding the press corps of the FCDA to make it “manageable.”

The circular which had no reference number but which was copied to all FCT directors, heads of parastatals, agencies and commissions, were distributed during the weekend of June 12 to the editors of over 15 privately-owned media organisations, mostly the print medium.

6. The House of Representatives on July 6 passed a resolution summoning the Editor of The Punch (Sunday) to substantiate allegations of corruption leveled against members of the National Assembly published by the newspaper. Also summoned was Alhaji Wada Nas, a former minister for special duties during the late General Sani Abacha’s military regime.

A member, Mr. Joseph Aderemi Ajayi (Ekiti) had called the attention of the House to a publication on Sunday Punch alleging high level corruption in the National Assembly. According to him, Alhaji Wada Nas had alleged in the publication, among other things, that members collected money to support the election of key officers and clearance of ministerial nominees. The House referred the matter to Ethics and Disciplinary Committee of the House to ensure that the editor and the former minister were summoned to the House to substantiate the allegations.

But Mr. Nduka Irabor (Delta), however, said a man like Wada Nas has right to express his views and warned the House not to misuse its authority by inviting the editor. This, according to him, could be seen as an attempt to gag the press. The House nonetheless went ahead to issue the summons.

7. Journalists were in late July denied entry into the Imo State government House. This followed the order handed down by the State governor, Chief Achike Udenwa, barring media correspondents from the state house. Security men, who were ready to carry out the instruction to the letter, were consequently posted to man the entrance to government house to prevent the ‘illegal’ entry of journalists. The governor was said to have taken this drastic action because “he was embarrassed by the lack of security at the government house”, according to a source.

The security operatives at the government house vowed to deal with journalists who flout the order.

8. The House of Representatives on August 16 invited the Minister of Information, Chief Dapo Sarumi, the Director-General of the Nigerian Television Authority (NTA) Mr. Ben Murray-Bruce and the director of News of the station, Mr. Tonnie Iredia, over what it called the poor coverage of the activities of the legislature

The minister of information who was at the House on August 16, told newsmen that he was there on the invitation of the speaker of the House, Alhaji Ghali Na'Abba. "I am here on invitation to dialogue with the members on the way forward," he said.

Although the minister did not give details of his mission in the House, but Mr. Murray-Bruce and Iredia, were summoned over what sources alleged the House called unbalanced coverage of the affairs of the National Assembly, especially on the issue of the furniture allowance to the lawmakers.

During the meeting between the Minister of Information, the NTA chiefs and principal officers of the House, Na'Abba reportedly accused the NTA managers of imbalance in the news coverage of the television station. He was said to have told the officials, "your duty is one of balancing what you report to the public. You don't serve the executive arm of government alone."

Na'Abba, according to sources, told the minister and his entourage that the National Assembly as the legislative arm was an equal stakeholder in the affairs of government, saying "you are created by the executive, the legislative arm provides the fund and the judiciary protects you."

9. The Ogun State House of Assembly on August 17 barred reporters from covering the appearance of a former military administrator, Lt. Col. Daniel Akintonde, summoned to answer questions on some contracts awarded during his tenure, despite an earlier assurance that they could cover it. The House, which had on August 16 invited the press to the proceedings, stunned the reporters, when it sent them out before the session began.

The investigating committee chairman, Mr. Timothy Somaiye, who had briefed the reporters on August 16 and told them that adequate arrangements had been made for their coverage of the event, caught them unaware when he said: "Can the gentlemen of the press excuse the house to start our assignments?"

His request led to a mild drama, when a reporter referred him to the invitation he extended to the media previously. That temporarily brought the situation to a halt as the committee executives immediately held a mini-conference. After that, Somaiye told the newsmen that they were invited to formally welcome Akintonde and since other inquiries were held behind close doors, the committee would continue like that and later release its report.

During his August 16 briefing, Somaiye had warned that speculative reporting should be avoided in the coverage of the proceeding.

10. Journalists and spectators at the sitting of Justice Rasheed Fawehinmi-led judicial panel probing capital projects and contracts between January 1995 and May 1998 in Ondo State were on September 20, ordered out of the Commission's sitting to enable a former commissioner for Agriculture, Mr. Bunmi Fasonu, give his evidence in camera.

Counsel to Mr. Fasonu, Mr. Bode Adegbehingbe, had at the resumed hearing of the commission applied to the commission to hear the ex-commissioner in camera. He said Mr. Fasonu was ready to tell the commission all he knew while in office to the extent that he might not be safe thereafter.

The chairman of the commission replied that although the commission had power, that power was not that large to grant Fasonu's plea to be heard in camera, adding that public hearing is a cardinal policy in democracy. However, the ex-commissioner's counsel was yet to conclude his submission on the issue when the chairman made a volte face. The police, on the instruction of the commission, ordered journalists and members of the public out.

11. Journalists duly invited to cover a National Maritime Authority (NMA) function at the Eko Hotel, Victoria Island, Lagos, were on October 14, 1999, subjected to body search by policemen in order to retrieve copies of a speech meant to have been delivered by the Minister of Transport. This order was allegedly handed down to the two policemen who carried out the search by a young man said to be the Personal Assistant (PA) to the NMA director-general.

The first sign that journalists were going to be objects of scorn at the occasion, was when on arrival at the Shangra-Lai arm of the hotel, personnel of the consultants, Oracle Limited, handed out an instruction that no journalist should sit in the main arena but rather at an obscure corner far behind the scene of events. The event was the inaugural meeting of the Oil and Gas Cargo Shipment Consultative Group, slated to be flagged-off by the Minister of Transport, Dr. (Mrs.) Kema Chinwe.

Unfortunately, the Nigerian National Petroleum Corporation (NNPC) managing director, Mr. Gaius Obaseki, did not turn up nor did he send a representative. The Minister of Transport, whose ministry, the NMA and the NNPC, formed the tripod for the deal aimed at ensuring that Nigerians participate in crude oil lifting, did not show up either. She was, however, represented by the Managing Director of the Nigerdock Nigeria Plc, Engineer Nnamdi Ozobia.

The ceremony kicked off with the NMA boss, Oracle Limited and the Chairman of the occasion, Dr. Ejike Onyia, delivering speeches which copies were denied the secluded reporters.

When it came to the turn of the minister, her representative, Engr. Ozobia said, "since the speech will be on policy issues and considering that the tripod must be standing before this can be done, I therefore, throw it back to you (audience) to make your contribution. So, I donate my time for general discussions".

All entreaties by journalists to make Oracle limited officials, who were in charge, release the speeches to the press failed to yield results. But afraid that some of the journalists might have obtained copies of the speech, policemen began to subject them to a body-search.

12. Journalists from 15 media houses were on November 4, sent out of a meeting hall by the House of Representatives Committee on Defence after having waited for over four hours for the arrival of the committee members. The occasion was the deliberation on Nigeria's Periodic Depot Maintenance (PDM) of Airforce facilities by the House Committee and officials of the Ministry of Defence and the Nigerian Airforce after the former had inspected them.

When everybody was seated, including journalists, before deliberations began, the journalists were ordered to leave the hall. They refused to leave arguing that the decision to preclude them was undemocratic.

Some of the House members were angry and threatened that they would not begin discussion until the journalists leave. But the decision did not go down well with officials of the Ministry of Defence who saw nothing wrong with journalists covering their discussions.

The controversy generated a tense atmosphere and the journalists had to walk out of the hall. It took pleas from Defence Ministry officials and an apology from the House Committee Chairman, Hon. Hassan K. Yabo, to get them to return.

13. Media correspondents covering Bayelsa State on December 4 resolved to boycott coverage of all activities involving the Bayelsa State government, until the Chief Protocol Officer (CPO) to the State Governor, Mr. Joseph Akedson, tender a written apology to them.

The journalists claimed that they were constantly abused and harassed by the CPO whom they also accused of abandoning them at the gas turbines site at Imiringi when they went with the Deputy Speaker of the House of Representatives, Mr. Chibudom Nwuche, when he visited the State on December 3.

They said they were particularly irked by the CPO's claim that their presence at Odi and Imiringi, when Honourable Nwuche visited, was illegal. At the same occasion, the CPO allegedly ordered the bus that conveyed them to leave with the journalists' note books and their personal effects for the State liaison office in Port Harcourt in Rivers State. The insults continued when some of them went to the liaison office to collect their items. Those who went said the Protocol Officer called them uncomplimentary names while those who attempted to see the governor to explain the situation were prevented from seeing him.

They also expressed bitterness over their non-invitation to participate in events at the Government House where they would have access to first hand information, only for the government to make available scanty press releases which do not allow for "elaborate, concise and accurate reporting."

The journalists complained further that they also suffer harassment in a bid to use the only fax machine in the Government House. This, they say, shows clearly that the principal aides of the government "detest and have no regard" for them.

They vowed that they would not go to the Government House again or receive even press releases from the aides of the Governor and, therefore, decided that besides a written apology, invitations be sent to them to participate in activities involving State matters.

The governor, Chief Diepreye Alameiyesegeha, the journalists demanded, should authorize a meeting between them, which as at the end of the year, had not been responded to.

14. On December 11, 1999, journalists were barred from covering discussions between the Federal government and the World Bank team on the privatisation of the National Electric Power (NEP) Plc in Abuja, the Federal Capital Territory. Despite being invited, the journalists were asked to leave the venue of the meeting shortly after commencement of session because government officials believe that it was premature to allow journalists witness discussions. The meeting, which began at 5.00pm, was interrupted to allow journalists covering the event leave the venue.

In attendance were the Minister in State for Power and Steel, Alhaji Danjuma Goje who chaired the meeting; the permanent secretary, Alhaji Abubakar Mamu; managing director of NEP Plc, Alhaji Bello Suleiman; the director general of Bureau of Public Enterprise, Mallam Nasir el-Rufai and some officials of the ministry.

15. Justice Kudirat Olayinka Kekere-Ekun, a judge of the Ikeja High Court, on December 15, 1999, barred photojournalists and cameramen of both the print and broadcast media from covering that day's session of the murder trial of Major Hamza Al Mustapha, Mohammed Abacha and two others. Journalists had gathered at the Ikeja High Court as early as 7.00am and taken strategic position to get vintage photographs of the accused.

But by 9.00am the judge, Justice Kekere-Ekun, ordered them to leave the courtroom. She ordered security agents to arrest journalists caught taking photographs and banned the use of electronic gadgets within the court premises.

She cited Rule 2(10) of the Code of Conduct for judicial officers which she said forbids recording and photography to avoid undue dramatisation of court proceedings. The

journalists complied with her order and no less than 20 photojournalists went out of the courtroom and stayed outside till about 11.15am when the case was adjourned to January 12, 2000.

CHAPTER FIVE

ABOUT MEDIA RIGHTS AGENDA IN 1999

Moses Of These Shores

What is Media Rights Agenda?

Media 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. The MRA is registered under part C of the Nigerian Companies and Allied Matters Act, 1990 and has Observer Status with the African Commission on Human and People's Rights.

MRA's programmes in 1999 fell into three broad categories – Training, Research/Publications, and 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 are physically attacked, arrested or detained, unjustly dismissed from their work or are 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 Committee, made up of seasoned professional journalists and lawyers, and Secretariat, staffed with fourteen full-time employees of varied background for the day to day execution of its activities.

Media Rights Agenda's Activities in 1999

i) *Media Rights Monitor* Newsletter Project

Nigeria's traditionally vibrant press has come under massive attack in recent years, especially since 1993, 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, as well as other forms of censorship.

Despite these constant attacks on the press, there was no regular medium for monitoring and documenting abuses of press freedom and freedom of expression and therefore drawing local and international attention to them until the publication of *Media Rights Monitor* began. The result was that many violations went unnoticed and unreported. Besides, many journalists also remained largely ignorant about basic issues affecting their journalism practice or their rights and privileges.

Internationally, Nigeria's poor communications infrastructure ensured that very little information was available outside the country on a regular basis about the situation of the media. This often enabled the military government to claim at local and international fora, despite the contradictory reality, of having the freest press in Africa and one of the freest in the world.

Media Rights Agenda began the publication of the Media Rights Monitor in April 1995.

In 1999, 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.

MRA published between 2,500 and 3,000 copies of the Media Rights Monitor newsletter 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.

The Media Rights Monitor was published in 1999 with the support of the Department for International Development (DFID) in the United Kingdom through funds managed by The British Council in Nigeria.

ii) Broadcast Monitoring Project

During the run-up to the General Abubakar's transition elections, mindful of the tensed political atmosphere occasioned by the restiveness of Nigerians for a democratic system of governance freely achieved as opposed to a manipulated semblance of democracy, Media Rights Agenda undertook a Broadcast Monitoring Project.

Under the project, Media Rights Agenda conducted a broadcast monitoring exercise on selected independent as well as state-owned radio and television stations in Nigeria during the political transition programme in Nigeria until the hand-over of power to a democratically elected civilian government. The focus of the monitoring exercise was to assess their coverage of political and human rights issues to ascertain of the extent of coverage given to such issues, the pattern of reporting of events affecting government officials, the fairness of allocation of air time to various political parties and efforts made to reach the rural and illiterate population.

Specifically, MRA monitored one private radio station in Lagos, Ray Power 100.5 FM and the federal government-owned Radio Nigeria in Abuja. MRA also monitored the federal government-owned Nigerian Television Authority (NTA) in Abuja and Kaduna, and two private television stations - the African Independent Television (AIT) in Lagos, and Minaj Systems TV in Obosi, Anambra State. By selecting stations from the three main regions of the country and Abuja, the Federal Capital Territory, the MRA achieved a national spread in the execution of the project.

Media Rights Agenda accordingly published a monthly report, based on the observations by the monitors from the monitoring exercise.

All the reports produced by Media Rights Agenda under the project contained recommendations aimed at redressing the shortcomings in the coverage of political programmes on radio and television stations. (see Airwaves Scorecard: Report of the Broadcast Media Coverage of the Political Transition Programme, for January, February, March, April, May and June, 1999 - which reported on the coverage of the political programme during the months of December 1998, January, February, March, April and May 1999).

Copies of the reports were distributed and circulated to media organizations across the country, the Independent National Electoral Commission of Nigeria (INEC), the National Broadcasting Commission, the political parties, Ministries of Information, other human rights organizations, some diplomatic missions in Nigeria as well as other interested individuals and organizations.

The project was conducted with a grant from the National Endowment for Democracy in Washington D.C.

iii) Print Media Monitoring Project

The Print Media Monitoring exercise was aimed at assessing the print media's coverage of the General Abdulsalami Abubaker's political transition programme in terms of fair coverage of all political parties and candidates and measure governmental influence in the coverage of the electoral process. The monitoring exercise, examined how political stories are structured, the type of coverage given to different political parties or contestants and the extent of coverage given to political issues and elections. It also examined the fairness of media reports on the various political parties and contestants, and the political affiliations of the owners of the monitored publications. Monthly bulletins were published on the results of the monitoring exercise.

Under the project, Media Rights Agenda assessed the coverage of Nigeria's recent political transition programme by the major newspapers and magazines in the country from December 1, 1998 to May 31, 1999. In the first report published in January 1999, and which covered the monitoring for December 1998, MRA monitored three newspapers. These were The Guardian, THISDAY and The Punch. By January 1999, the newspapers were increased to 10. The additions were: National Concord, Vanguard, The Post Express, The Diet, Daily Times, New Nigerian and Daily Champion. Also, four weekly news-magazines were monitored. They were TELL, The NEWS, Newswatch and The Source.

All the reports produced by Media Rights Agenda under the project, contained recommendations aimed at redressing the shortcomings in the coverage of political programmes by the print media. (see Media Scorecard: Report of the Print Media Coverage of the Political Transition Programme, for January, February, March, April, May and June, 1999 - which report on the coverage of the political programme during the months of December 1998, January, February, March, April and May 1999).

Copies of the reports were distributed and circulated to media organizations across the country, the Independent National Electoral Commission of Nigeria (INEC), the National Broadcasting Commission, the political parties, Ministries of Information, several journalists and journalists' associations, and other human rights organizations, some diplomatic missions in Nigeria as well as other interested individuals and organizations.

The project was executed with the support of the Democracy and Governance Program of the United States Information Services (USIS) in Lagos. Media Rights Agenda also received technical assistance from ARTICLE 19, the International Centre Against Censorship, in London, which supplied copies of its publication: Election Reporting - A

Practical Guide to Media Monitoring to the project personnel. The media monitoring manual was published in November 1998, a few weeks before MRA's monitoring exercise began. It also received similar support from the National Democratic Institute for International Affairs (NDI), in Washington, D.C., which also provided copies of the NDI Handbook - How Domestic Organizations Monitor Elections: An A to Z Guide.

(iv) Workshops On Human Rights Reporting for Journalists

As part of its Media Empowerment Programme, Media Rights Agenda (MRA), organised three Human Rights Reporting Workshops for journalists in different regions of the country. The participating journalists were drawn from the print and broadcast media, from both the private press as well as government-owned media establishments.

The first workshop, for journalists in the North, was held in Kano in June 1999; the second, for journalists from the Western Nigeria was held in Ijebu-Ode, Ogun State, in July, while the final workshop, for journalists from the South was held in Benin City, Edo State, in August 1999.

The objectives of the workshops were to improve the media's awareness of human rights issues and expand their understanding of these issues through a broad based definition of what human rights are. The workshop were also intended to impart essential journalistic skills required for effective reporting of human rights to journalists and attempt a change of attitude among journalists in their perception that the task of promoting human rights is solely the responsibility of human rights non-governmental organizations.

The workshops were conducted with the support of The Ford Foundation.

(v) Workshops On Presenting Human Rights Information To The Media

Under this programme, Media Rights Agenda organized three workshops for representatives of human rights non-governmental organizations in the North, South Western and South Eastern Nigeria on how to use the media effectively in the dissemination of human rights information.

The workshop for NGOs in the South West was held in Sagamu, Ogun State, from August 23 to 26, 1999; the one for NGOs in the North was held in Minna, Niger State, from September 6 to 9, 1999; while the final, one for NGOs in the South East was held in Owerri, Imo State, from September 27 to 30, 1999.

The objective of the workshops was to train participants on how to research and package human rights information for media use in order to ensure that they are able to use the media effectively and efficiently as a potent tool of information dissemination in the promotion and protection of human rights.

The workshops were conducted with the support of The Ford Foundation.

(vi) Workshop for Political Correspondents

Under this workshop, Media Rights Agenda organized three regional workshops at Ota, Ogun State; Kaduna, Kaduna State and Owerri, Imo State, for political correspondents and journalists covering politics and political issues. Participants were drawn from the print and broadcast media. Ota workshop catered for journalists in the South West; the Kaduna workshop was for journalists from the Northern Nigeria; while the Owerri workshop was for journalists for Southern Nigeria.

The Ota workshop was held between February 2 and 4, Kaduna, February 6 to 8; while the Owerri workshop was held between February 10 and 12, 1999. The workshops

were organized in collaboration with the Carter Center in Atlanta, Georgia, in the United States, which facilitated the participation of the international resource person, Bertie Howard, Executive Director of the African News Service in North Carolina and Faculty member at the Dewitt Wallace Center for Communications and Journalism of Duke University, Durham, also in North Carolina.

The objectives of the workshop were to equip journalists with skills necessary for the effective coverage of politics and elections, to enable them update their knowledge of the laws guiding the electoral process as well as understand the international standards for free and fair elections. The workshop was also to empower journalists to play the important role of educating and enlightening members of the public on political issues during the transition so that the electorate can make informed choices about the people and issues involved in the democratic process.

The Workshops were conducted with a grant from the Democracy and Governance Program of the United States Information Service (USIS) in Lagos.

(vii) Workshop On Media Law Reform

In March 1999, Media Rights Agenda organized a three-day workshop on Media Law Reform. The workshop, organized in collaboration with ARTICLE 19, (the International Centre Against Censorship, London) and the Nigerian National Human Rights Commission, was part of a wider Media for Democracy Project, which is being implemented over a period of 18 months by a unique coalition of international and Nigerian media-oriented organizations.

The wider project embraces not just the workshop, but a range of other initiatives including the establishment of an International Press Centre in Lagos under the auspices of the International Federation of Journalists (IFJ) and the West African Journalists Association (WAJA); litigation by Media Rights Agenda to challenge certain media laws in the courts; the establishment of a bi-monthly bulletin, the 4th Estate, which takes an analytical approach to media issues and events and for which the Independent Journalism Centre (IJC) and Journalists for Democratic Rights (JODER) are playing the leading role; and support for solidarity work with the Nigerian media by Reporters sans Frontieres (RSF) in Paris.

Participants at the workshop included the United Nations Special Rapporteur on Freedom of Opinion and Expression, Dr. Abid Hussain; Mrs. Glenys Kinnock, a member of the European Parliament; Judge John Manyarara, Chairman of the Trust Funds Board of the Media Institute of Southern Africa (MISA); Professor Auwalu Yadudu, the Special Adviser to the Nigerian Head of State on Legal Matters; Prince Tony Momoh, a former Nigerian Information Minister; and Professor Ralph Akinfeleye, Head of the Department of Mass Communications at the University of Lagos and President of the Nigerian Association of Journalism and Mass Communication Teachers (NAJMAT).

Other participants were Ms Bettina Peters, Deputy General Secretary of the International Federation of Journalists (IFJ); Mr. Kabral Blay-Amihere, President of the West African Journalists Association (WAJA); Mr. Godwin Omole, Executive Secretary of the Nigerian Press Council; Mrs. Jeanne Seck, a Programme Specialist at the Unit for Freedom of Expression and Democracy at the United Nations Educational, Scientific and Cultural Organization (UNESCO), in Paris; Mr. Anselm Chidi Odinkalu, Senior Legal Officer for Africa and the Middle East at the International Centre for the Legal Protection of Human Rights (Interights) in London; Mr. Toby Mendel, Head of the Law Programme at ARTICLE 19; and Miss Laetitia Ferreira, of Reporters sans Frontieres (RSF) in Paris.

Funding for the workshop was provided by the European Commission and the Swedish International Development Agency (SIDA).

Emerging from the workshop was a consensus document entitled:
THE OTA PLATFORM OF ACTION ON MEDIA LAW REFORM IN NIGERIA,
hereunder reproduced.

Preamble

Participants at the Media Law Reform Workshop, held at Ota, Nigeria, from 16-18 March 1999, heard a wide range of representations regarding the need for media law reform in the context of Nigeria's fragile transition to democracy. These included:

- Justice PK Nwokedi (Retd), Chairman of the Nigerian National Human Rights Commission
- Mr Abid Hussein, United Nations Special Rapporteur on Freedom of Opinion and Expression
- Mrs Glenys Kinnock, Member of the European Parliament
- Professor Auwalu Hamisu Yadudu, Special Adviser, Legal Affairs, to the Head of State of the Federal Republic of Nigeria
- Prince Tony Momoh, former Minister of Information, media consultant and legal practitioner

On the basis of these representations and their deliberations, participants at the workshop agreed on the following Platform of Action, which they call upon all levels and branches of government to endorse and implement at the earliest opportunity.

Media law reform is a key dimension of the democratic transition and free opinion and expression. It is in that spirit that participants at the workshop call upon the government to give active consideration to this Platform of Action.

A General and constitutional issues

- 1) The present military government should repeal repressive decrees before it leaves power on 29 May 1999. However, if it has failed to do so, the new Constitution should oblige the National Assembly to repeal those decrees which are in breach of Nigeria's obligations under international human rights law within one month of assumption of office. Amongst those decrees identified by participants were:
 - The State Security (Detention of Persons) Decree, No 2 of 1984
 - The Constitution (Suspension and Modification) Decree, No 107 of 1993
 - The Federal Military Government (Supremacy and Enforcement of Powers) Decree, No 12 of 1994
 - The Treason and Other Offences (Special Military Tribunal), Decree No 1 of 1986
 - The Treason and Treasonable Offences Decree, No 29 of 1993
 - The Offensive Publications (Proscription) Decree, No 35 of 1993
 - The Newspapers Decree, No 43 of 1993
 - The Guardian and Punch Newspapers (Proscription) Decree, No 48 of 1994
- 2) The text of the draft Constitution which will form the basis of the 4th Republic should be published immediately and widely circulated.
- 3) The new Constitution should contain provisions giving specific protection to the media, including its editorial independence, and recognition of the confidentiality of journalistic sources.

- 4) The new Constitution should also contain a specific guarantee of the right to access to public information as an expression of the right of the people to have an accountable government.
- 5) There should be independent and impartial investigations of all outstanding cases of alleged human rights abuses, including the death and “disappearance” respectively of the journalists Bagauda Kaltho and Chinedu Offoaro and other similar offences.
- 6) Criminal sanctions are an inappropriate response to breaches of journalistic ethics. Accordingly, such criminal sanctions should be removed from all legislation, where they exist.

B Specific media and freedom of expression issues

- 6) Regarding the legal and institutional framework governing the press:
 - Participants agreed that the aim should be for the press to be self-regulating. Accordingly, any Press Council should ideally be non-statutory and funded by the stakeholders.
 - However, until such time as this is possible, any statutory Press Council should be effectively self-regulating and, as far as possible, fully independent of government.
 - To this end, Decree No 85 of 1992 should be substantially amended, including as below.
 - The Chair and members of the Press Council should in future be appointed from a list of candidates drawn up by the Nigerian Press Organisation which is then presented to the National Assembly. An appropriate committee of the National Assembly should be responsible for selecting the chair and members of the Press Council from that list.
 - Until the Press Council becomes a self-regulating, self-funding body, the government should continue to fund the Press Council.
 - All decisions of the Press Council should be published and disseminated widely. The annual report and accounts should also be published
 - Participants rejected any idea of mandatory registration of journalists by the government. These provisions should be removed from the statute.
 - There should be no requirement that newspapers be registered. Publishers should be simply required to satisfy company law.
 - Journalist’s right to freedom of movement should be fully respected at the country’s entry and exit ports.
 - The 1964 Printing Press Act should be repealed.
- 7) Regarding the institutional and legal framework governing the broadcast/electronic media:
 - Participants agreed that the fundamental principle governing public broadcasting is that it should be fully independent of government in terms of editorial independence, method of funding, appointments processes.
 - Accordingly, Decree No 38 of 1992 should be amended to ensure that the National Broadcasting Commission is fully independent of government. All members of the

Commission should be appointed by and accountable to the National Assembly in open public hearings.

- The issuing and revocation of licenses by the National Broadcasting Commission should be transparent, non-discriminatory and should encourage diversity (for example, through community broadcasting).
- The National Broadcasting Commission should be the sole issuer and revoker of such licenses. The process should be subject to judicial review.
- To level the playing field as between public broadcaster and private broadcaster, public broadcasters should not engage in commercial broadcasting.
- The National Broadcasting Commission should promote broadcasting which satisfies the social, cultural and religious interests of the public.
- The government should support the broadcasting sector by ensuring that there is adequate public infrastructure (eg electricity, affordable and reliable telecommunications) and economic policy incentives.
- Media monopolies, whether state or private, shall be discouraged by establishing clear limits on media ownership, including cross-ownership between the broadcast and print sectors.

8) Regarding freedom of information:

- In addition to a constitutional guarantee of the right to access to public information, a Freedom of Information Act should be enacted at the earliest possible opportunity, reflecting the principle of maximum disclosure.
- Participants agreed that the draft Access to Public Records and Official Information Act published by Media Rights Agenda, Civil Liberties Organisation and the Nigerian Union of Journalists, should be taken as the basis for discussions on this issue, but that its provisions require further review.
- All legislation which unduly inhibits or restricts the right to freedom of information, such as the Official Secrets Act, should be amended to reflect the principles of the Freedom of Information Act.
- The National Archives Act should be reviewed and the clause which provides for the non-disclosure of state records or documents until after 10 years should be expunged.
- The cost of obtaining public information should be affordable to the majority of citizens.
- The proposed Act should contain a provision which stipulates that the individual requesting the information need not demonstrate any specific interest in the information provided.
- Doctoring of public records before they are released to the person, entity or community requesting them and obstruction of access to public records should be made a criminal offence.
- In the application of any exception, there should be a presumption of access to public information in the proposed Act. Exceptions should be narrowly drawn and subject to a test of actual harm.
- There should be established an independent body to hear appeals from individuals who have been denied access to public information. Such appeals should be held timeously.
- Government should take the lead, in close cooperation with civil society, to provide public education to civil servants and the broader population about the workings and benefits of a freedom of information regime.

- 9) Regarding content-related offences:
- There should be a comprehensive review of all content-related offences as provided by law. In particular, participants agreed that all existing provisions regarding sedition, “false news” and criminal defamation (including the defamation of foreign princes, as well as the Defamatory and Offensive Publications Act, 1966) be repealed at the earliest opportunity.
 - The Obscene Publications Act should be reviewed so as to make it serve a more specifically targeted public interest objective.
 - The judiciary should exercise its powers of contempt within the limits of constitutional guarantees.
- 10) Regarding civil defamation:
- The law of civil defamation requires substantial revision, as below.
 - Certain public bodies should be prohibited from suing in libel (eg NEPA, NITEL, local government councils).
 - It should be a defense in an action for civil defamation regarding a statement on a matter of public interest for the defendant to show that he or she has not acted unreasonably in all the circumstances even if the statement is false or cannot be shown to be true.
 - Factors to be taken into account in establishing reasonableness include: a) the extent to which the author of the statement investigated the matter before publication; b) the credibility of the source of the statement; c) the extent to which alternative sources of information (for example, public authorities) have unjustifiably withheld information; d) the nature of the language in the statement is cast; e) the extent to which the public’s right to know in a timely fashion justified publication.
 - Courts should adhere strictly to the rules governing the granting of Ex parte interim injunctions (ie where the defendant is not present) where such applications are made to them. In addition, procedural rules should be adapted so as to accommodate this standard.
 - There should be a strong presumption against granting interlocutory injunctions (ie before the matter has been heard on the merits) – whether ex parte or inter partes. Such injunctions should not be granted unless: a) the harm alleged by the plaintiff is serious; b) the injunction would be effective to prevent the harm (eg the matter has not already been published); c) the harm cannot be redressed by other means, such as monetary compensation. In addition, there should be a presumption that monetary compensation is normally sufficient to redress the harm done by a defamatory statement.
 - Damages should be proportionate to the actual or proved harm.
 - Damages should not in any case be so excessive as to produce a chilling effect on freedom of expression.
 - Damages should be mitigated where certain factors are present. For example: a) the extent to which the plaintiff is able to counter the negative effect of the statement complained of; b) the reasonableness of the defendants behaviour; or c) any offer of apology or correction.
 - No one should be required to prove the truth of an opinion.
 - It should be defense to an action for defamation in relation to the publication of any opinion whether or not it relates to a matter of public interest that the opinion is one that a reasonable person could hold in the circumstances.

- Where the opinion relates to a matter of public interest, there should be a greater degree of tolerance.
- Where there is a doubt as to whether a statement is one of fact or opinion, there should be a presumption that it is a statement of opinion.
- Fair and accurate media reports of all statements that are covered by absolute privilege should also be absolutely privileged.

11) Regarding other issues:

- Media practitioners should commit themselves to meeting the highest standards of professionalism in the conduct of their work.
- Media practitioners should allow whoever presents a reasonable claim that they have been wronged to exercise a right of reply. This reply should be given the same prominence as the actual story.
- Readers, viewers and listeners who wish to comment or present alternative views should be afforded every reasonable opportunity to do so.

C Statement of commitment

12) Participants agreed to work actively together and with government, provided there is good faith, in pursuit of this Platform of Action. They agreed to initiate a dialogue with government on these matters as a matter of urgency and call on the government to respond positively.

13) Participants recognized that there were media-related issues which had not been fully addressed by the workshop and some issues which were discussed may require further consideration. Accordingly, they mandated the sponsoring organisations of this workshop – Media Rights Agenda, the Nigerian National Human Rights Commission and ARTICLE 19, the International Centre Against Censorship – and other interested parties to further develop and refine proposals for media law reform and to consult regularly with the other participants as part of this endeavour.

14) At the same time, participants agreed that the sponsoring organisations should undertake to develop appropriate strategies through which the above programme of media law reform can be realized. In addition to dialogue with the government, broader strategies of advocacy and litigation should also be pursued.

Proposed by Joan O’Dwyer, Minaj Communications

Seconded by Adebisi Adekunle, New Nigerian Newspapers

UNANIMOUSLY AGREED AT OTA, OGUN STATE, NIGERIA ON 18 MARCH 1999.

(viii) Litigation Project

Under this project, which began in April 1999 and is still on-going, Media Rights Agenda, working with ARTICLE 19 (the International Centre Against Censorship, in London) is undertaking a programme of litigation for the purpose of promoting and protecting media freedom in Nigeria.

The Litigation Project has two components: The first component is made up of legal aid cases under which Media Rights Agenda provides legal assistance and support for journalists who are arrested and detained, unfairly dismissed from their

work, harassed and intimidated or whose fundamental rights have been violated in some other way. Also, journalists who are unfairly accused of criminal offences or subjected to oppressive criminal proceedings as a result of their professional duties are as well represented. The objective is to create the requisite confidence in them to enable them perform their functions without undue self-censorship.

The second component is made up of public interest cases under which MRA litigates 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 litigates on such press freedom and freedom of expression issues so as to bring about a corpus of favourable judicial pronouncements which will create an enabling legal environment for the practice of journalism in Nigeria.

While the litigation has been carried out by lawyers employed or assigned by Media Rights Agenda, ARTICLE 19, through its Law Programme, has 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 are being litigated were also selected in consultation with ARTICLE 19.

a) Legal Aid Cases

Fifty journalists were beneficiaries of the legal assistance component of the project in 1999. Out of this number, 47 journalists had civil cases filed on their behalf, while two 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 civil libel filed against him. However, in all, three civil cases have been initiated by Media Rights Agenda under the project with some of them having multiple Plaintiffs, where the cases of the affected journalists involve similar issues. In the other cases, Media Rights Agenda has been involved in defending journalists who are either sued or are charged with criminal offences.

One of the civil cases has been pursued to logical conclusion with the court awarding judgement in favour of the affected journalist, Mr. Adewale Adeoye, who was assaulted, arrested and detained overnight by the police. The court awarded him damages of N300,000 for the violation of his fundamental rights.

b) Public Interest Cases

Media Rights Agenda filed five cases under this component of the project in 1999. 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 Abdulsalami 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 Olusegun Obasanjo, is being challenged as a violation of section 39(1) of the 1999 Constitution and Articles 9(1) and 17(1) of the African Charter on Human and Peoples Rights.

In the final 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.

The litigation project is being conducted with the support of the European Commission's support for the Media for Democracy in Nigeria project.

(ix) Freedom Of Information Advocacy

The objective of the project is 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 draft Access to Public Records and Information Act, which arose from the joint efforts of Media Rights Agenda (MRA), the Civil Liberties Organization (CLO), and the Nigeria Union of Journalists (NUJ).

Guided by the recommendations contained in The Ota Platform on Media Law Reform in Nigeria with regard to access to information, which was drawn up at the Workshop on Media Law Reform held on March 16 to 18, 1999, Media Rights Agenda produced a revised draft of the existing "Access to Public Records and Information Act".

Shortly after the inauguration of the new civilian government, Media Rights Agenda began an intensive lobby to get the National Assembly to pass the Bill into law. It met with scores of legislators and wrote to many other legislators, whom it could not meet with, to solicit their support for the draft legislation. Media Rights Agenda also produced and made available to the legislators copies of relevant publications on the issue, including ARTICLE 19's: The Public's Right to Know: Principles on Freedom of Information Legislation, and

The Johannesburg Principles on National Security, Freedom of Expression and Access to Information.

Media Rights Agenda has 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.

The indications so far are that in all likelihood, the Bill will be passed by the National Assembly. The level of commitment, which the idea has received from the National Assembly, including the principal officers, informs this conclusion. Such commitments have been given either in private meetings with representatives of Media Rights Agenda or at public functions. The Acting Speaker of the House of Representative, Prince Chibudom Nwuchue, made such a commitment at a meeting with a delegation of Media Rights Agenda which visited him at the National Assembly in Abuja on December 1.

The legislative advocacy project has been carried out with the support of ARTICLE 19, through a grant from the European Commission.

(x) Executive Watch

Executive Watch is a project of Media Rights Agenda under which it 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.

The monitoring exercise 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 five subject areas. The maiden report released in September focused on President Obasanjo's handling of the Alhaji Salisu Buhari saga. The second report released in October focused on two issues; these were how the President Obasanjo's one hundred days in office impacted on Nigerians and the perception of Nigerians on the newly launched National Re-birth. The third report under the project similarly addressed two issues; one related to the newly launched Universal Basic

Education by President Obasanjo, while the second issue covered was the debate on the creation of State Police Forces.

Respondents in the surveys have been limited to the Lagos area but MRA plans to broaden the spread of respondents in future to include persons from all other states of the federation including the Federal Capital Territory, Abuja.

(xi) Human Rights Education Through The Broadcast Medium

The main objective of the project was to inform and educate members of the public about human rights issues as well as local and international instruments, which guarantee and protect human rights, and thereby broaden their understanding of such issues. It was expected that by improving their awareness of human rights issues and ensuring that they are able to exercise their rights, their ability to participate in the political life of their country would be enhanced. Empowering the citizenry to play this role was imperative in the light of the emerging political environment.

There were two projects in the Human Rights Education Programme in the broadcast medium (especially radio). The first of the project was in Pidgin English and the local languages. It was aired on Edo Broadcasting Service (EBS), Benin; Imo Broadcasting Service (IBS), Owerri; Kaduna State Media Corporation (KSMC), Kaduna; and Lagos Television (LVT), Lagos. The second was broadcast in English only on Radio Lagos every Tuesday morning from 9.30a.m – 9.45 a.m. in the last quarter of the year. The programme featured human rights workers from human rights organisation on how the activities of those groups help to encourage mass participation in the democratic process in Nigeria.

Participants spoke on the role of the media in promoting a democratic culture, political awareness and empowerment among women in a democracy, the rule of law and its impact on democracy as well as the effect of a freedom of information legislation on democracy. The topics that were covered in the projects were specially selected to explain issues that the citizens take for granted that they know quite well.

At the international level, the role of the United Nations and the African Commission were discussed as they relate to their overseer roles in the promotion, protection and enforcement of human rights across the world and at the continental level. A major objective in the discussions of these rights is how the understanding of a specific right issue can help in the promotion and sustenance of the democratic culture in Nigeria.

Emphasis was more on the definition of rights, their characteristics and classifications as well as their relevance to the local situation in Nigeria. This was necessary in correcting the general impression that human rights are alien to the African culture. The mode of enforcement of these rights and the challenge of enforcing them in a country without respect for rule of law was also included to create a consciousness of what Nigerians must do if these rights must be respected.

The Constitution; the process of its production and its importance to the citizen was an issue to which much time was devoted. Nigerians were made to understand through the programme, the difference between the 1979 and 1999 Constitution and why it took two decades for another Constitution to be produced. Also highlighted are the rights in the document to which the citizen can hold the government responsible and those over which the government cannot be held responsible.

The programme also explained the role of the media in helping the citizen to propagate and promote those rights as well as using it as a medium to contribute to the shaping of the democratic process. Other issues discussed in the course of the programme include the rights of children, gender issues, and the role of the police and court in protecting these rights.

For the project in Pidgin English and the local languages, Media Rights Agenda designed a 13-week programme synopsis on the human rights provisions of the Nigerian Constitution and major international human rights instruments. These issues were translated in Pidgin English and the local languages. The discussions, analysis and commentaries were aired in three radio stations; Kaduna Radio (Hausa), Imo Broadcasting Service (Ibo) and Edo Broadcasting Service (Pidgin English). The broadcast in Yoruba was on Lagos State Television. Television had to be used for Yoruba because the stations command a much larger audience of viewers of Yoruba origin.

Each of the stations chosen for the projects were centrally located to reach listeners and viewers in neighbouring states. The programmes adopted a multi-format approach in reaching the target audience. It included straight talks, interviews, discussions, jingles and phone-in.

The programme was conducted with the support of The Ford Foundation.

(xii) Voter Enlightenment Programme

The problem of ignorance and lack of interest among members of the Nigerian public about elections and their democratic rights was a major stumbling block to the success of the transition to civil rule programme embarked upon by the former military government of General Abdulsalami Abubakar, and the efforts to enthrone sustainable democracy in Nigeria.

This ignorance and lack of interest in the elections scheduled under the transition programme manifested in the form of low voter turnout in all the elections conducted early in the programme.

Therefore, prior to the final elections scheduled under the transition to civil rule programme, Media Rights Agenda printed 36,000 three-colour posters with graphic illustrations aimed at encouraging members of the public to participate in the remaining part of the transition programme, including the presidential elections scheduled for Saturday, February 27, 1999.

The messages in the poster were communicated in a form that the average Nigerian voter could understand, and sought to convince them of the importance of their participation in the transition programme and the political process beyond the transition as well as the need for them to vote during the elections.

These posters were distributed in different parts of the country. Media Rights Agenda identified areas around the country that are traditionally disadvantaged in having access to the media and the distribution of the posters was concentrated in such areas, although copies were also be pasted in prominent places around other parts of the country.

The main objective of the project was to inform and educate members of the public about the importance of public participation and input into the political programme and specifically about voting during the elections, and thereby ensure their participation in the elections and other political activities.

It was expected that by improving their awareness of the key role they could play in the political process and ensuring that they were able to exercise their rights, their ability to participate in the political life of their country would be enhanced.

Empowering the citizenry to play this role was imperative in the light of the emerging political environment which ushered in civil democracy by May 29, 1999. The success of the democratic arrangement was expected to depend to a large extent on how well the vast majority of the Nigerians were able to input into the process and shape it.

The project was executed with the support of the Canadian Catholic Organisation for Development and Peace (CCODP), through a grant to the Transition Monitoring Group (TMG).

(xiii) Publication of Democracy Watch

Under the project, Media Rights Agenda published six issues of Democracy Watch on behalf of the Transition Monitoring Group (TMG). The project activity involved identifying topical political issues around the time of the publication, conducting extensive research on the issues, and examining different angles of the issues.

The Transition Monitoring Group (TMG), a coalition of human rights, non-governmental and civil society organizations, was established in August 1998 for the purpose of developing integrity in the electoral process by monitoring and reporting on the prosecution of the political transition programme.

The objectives of the project included improving the capacity of Nigerian citizens for political participation by informing and educating them about the importance of public participating and input into the political process, improving their knowledge of political issues and events. It is expected that by improving the awareness of Nigerians of the key role they can play in the political process and ensuring that they were able to exercise their civic rights; their ability to participate in the political life of the country would be greatly enhanced.

It similarly informed members of the public generally, various governmental institutions and democratic structures, diplomatic missions, the international community, member organizations of the TMG and other human rights and civil society organizations about important political developments in the country and enlightening them on the implications of such developments for the emerging democratic dispensation in Nigeria.

The publication provided a vehicle for the continuation of the monitoring of the democratic process, especially the performance of the new democratic institutions, including the Executive arm of Government, the Legislature, the political parties, etc.

The Democracy Watch was published with the support of the Canadian Catholic Organisation for Development and Peace (CCODP), through a grant to the Transition Monitoring Group (TMG).



Media 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. The MRA is registered under Nigerian law and has Observer Status with the African Commission on Human and People's Rights. MRA's Aims and Objectives are:

- a. to promote respect and recognition for press 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.

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

Secretariat

Edetaen Ojo, Executive Director
Osaro Odemwingie, Publications Officer
Maxwell Kadiri, Legal Officer
Adeola Ademola, Legal Officer
Eze Acholonu, Legal Officer
Ayode Longe, Programme Officer
Joy Kadiri, Accountant
Ademoyewa Johnson, Campaign Officer
Mercy Jones Epete, Litigation Officer
Oluwabunmi Oke, Secretary
Yunus A. Abdusalam, Administrative Assistant
Rose Aikhuele, Office Assistant

Media Rights Agenda,

10, Agboola Aina Street, Off Amore Street, Off Toyin Street, Ikeja
P. O. Box 52113, Ikoyi, Lagos, Nigeria
Tel: 234-1-4936033, 234-1-4936034 Fax: 234-1-4930831.
E-mail: mra@mediarightsagenda.org
pubs@mediarightsagenda.org
Web site: www.mediarightsagenda.org