

**International Journal of Arts and Humanities
(IJAH)
Bahir Dar- Ethiopia**

Vol. 4(1), S/No 13, January, 2015:207-223
ISSN: 2225-8590 (Print) ISSN 2227-5452 (Online)
DOI: <http://dx.doi.org/10.4314/ijah.v4i1.15>

Issues on the Gagging of Nigerian Press with Obnoxious Laws

Elebute, Ayo, Ph.D.

Department of Mass Communication
Igbinedion University, Okada
Edo State, Nigeria
E-mail: recadngo@yahoo.com

Abstract

This study examined the issues on the gagging of Nigerian press with obnoxious laws and it investigated the rate at which the Nigerian media had been prevented from expressing opinion freely by dictatorial leaders who enacted draconian laws to suppress facts and figures. Also, the study identified the major activities of Nigerian press in fighting authoritarianism and in upholding the philosophy of rationalism and natural rights and in checking the excesses of government in power by separating judgements of truth from falsity. Data were sourced through the secondary means and information was obtained from the contents of books, journals, magazines, newspapers and the Internet. It was established that the Nigerian press has been so uncompromising and very zealous in exposing the evils perpetrated by people in power and that the military leadership in Nigeria had engaged several state apparatus in suppressing the truth. The conclusion is that the past governments in Nigeria had used their privileged position to forbid criticism and they had invoked absolutism under extreme conditions. The recommendation is that the incumbent government should eschew autocracy and avoid exploiting the obnoxious laws enacted by the military 'boys' in the guise of providing security for the state.

Key words: Nigerian press, Obnoxious decrees, Dictatorial leaders, Draconian laws, Incumbent government

Introduction

Since 1960, after independence, the Nigerian press has been frustrated by the problems of freedom that have become more difficult with the passage of time. Precisely, the military regimes have mostly created greatest challenges of freedom for the Nigerian press. However, these efforts to subdue the press is not very strong and not common only to Nigeria's socio-political history because they strike a particular cord in authoritarian media theory as well as have their roots far back into the monarchical rule in Europe when the truth was forced to be the prerogative of the wise men who were either the religious or political leaders. The press, during the authoritarianism of Europe, was controlled fully by the government apologists or the monarchist enthusiasts and it was mostly established as the state apparatus to support royalty and government policies. This repressive period is what Duyile (1987) referred to as the "era of let the evil prevail over good".

It is worthy of note that despite a repressive monarchical system in England the London press boldly criticised King Henry VIII for encroaching on the people's rights and for his wrongful enthronement of political chicanery. In 1534AD, for example, the London press exposed and condemned the insincerity of this king for marrying another wife because his first wife failed to bear a male child. This king who was then ascribed as the divine god-head reacted sharply to what he called "press intrusion" by given repressive order to maltreat publishers and press men. This is a typical example of how the truth was being repressed by the repressive monarchical systems.

Also, the Catholic Church under the control of Papacy was very hostile to the early press. Conniving with the monarchy the Church restricted the publication of the copies of the Bible. The Holy Book was personalized by the Pope who ordered that its usage was a preserved privilege of people in the top hierarchy of priesthood and he encouraged his fanatics to confiscate and burn early copies of the Bible. The ensuing activities were characterized by the persecution of the publishers of the Bible. It was in this 'trouble water' that John Tynale one of the earliest publishers of the Bible was killed. Many scholars have, however, assessed in their literary works how draconian laws have emasculated freedom of expression and turned the publications of truth and critical comments into a dangerous gesture.

This present study will be an addition to these myriads of literature that had been written to showcase the hurried and negative experiences of the journalists that were bound and gagged repeatedly by the authoritarian rulers in most parts of the world particularly in Nigeria. Foreign scholars who have done related study include:

Siebert (1952), Kutner (1962), Cohen (1962), Boyce et al (1978), Hammer (1979), Altschull (1984) and Kunczik (1988). Noticeably, the works of these foreign authors are too normative; they are coloured with foreign facts and figures while the arguments they put forward in their varied academic discourses portend a strong affinity for western nuances.

Other scholars who have written extensively on the issue of press gagging in Nigeria are Nigerians and they include: Fawehinmi (1987), Oloyede (1990), Fagbohunbe (1993), Oloyede (1996) and Oluwanike (2011). Fawehinmi alluded to the press as a barometer that is used to measure the feelings of the public and to convey the feelings to the courts as a matter pending before them. This allusion came to the fore in his book while trying to argue that it was the irate of the public discourse championed by the press on the celebrated case of Dele Giwa's: a journalist assassinated by government agents through parcel bomb in 1986, that influenced the decision of the Supreme Court that granted the right of private prosecution to him (Fawehinmi) to handle the murder case of his journalist friend.

Oloyede informed the readers about the primary importance, fundamentality and inevitability of communication to man and of freedom to communication. He established the absolute necessity for both the press and press freedom in the modern world and prescribed seventeen compulsory prerequisites for humanity's attainment of a freely communicating press and society to the effect that a majority of men will not only fully understand the fundamental freedom of communication, but also be ready; armed, fortified and equipped to defend it at all times. Fagbohunbe traced the development and the travails of journalists and the press freedom from A.D. 35 when *Odyssey* was banned in Rome to 1997 when some notable journalists were jailed by the military juntas under the leadership of General Sanni Abacha in Nigeria. He also traced the origin as well as the developmental and/or evolutionary progression of newspapers since 1859 when the first tabloid was published in Abeokuta, Nigeria by Revd. Henry Townsend. The book also contained the chronological order of the suppression of the press in the entire world.

In another work, Oloyede used the libertarian yardstick to assess the authoritarian decrees and acts of the military and to show how the Nigerian nation has been denied the full blessings of an unfettered press. The book undertook a critical examination of the salient issues on which press freedom revolved in Nigeria under both democratic civilian and autocratic military rules. The themes treated by Oloyede in his book have been very carefully selected to make the analyses very broad. He explored in-depth the origin, perception, theory and practice of press freedom in all socio-political systems of the world without losing sight of the *apropos* background for the main issue of discourse: the Nigerian situation, while examining the unique aspects of press freedom in Nigeria.

Oluwanike delved into cases of illegal arrests and detention of journalists during the military rule in Nigeria through the use of obnoxious decrees. He cited the case of Tunde Thompson and Nduka Irabor of the *Guardian* newspaper who were arrested under the abrogated decree 4 of 1984 during the regime of Generals Mohamodu Buhari and Tunde Idiagbon for publishing a story that was regarded as sensitive to national security. This present study is not patterned after the works that were reviewed above, but some facts were deduced from them to verify and validate some matters that have arisen from data that have been collected from the secondary sources. The main focus is on how the Nigerian press had been prevented 'from speaking freely and from expressing its opinion' by the colonialists and the military governments who promulgated laws and decrees in order to cover their nefarious activities from being publicly reported or discussed. The general discourse is on how the Nigerian press has fought so many battles on the altar of military brutality.

The four normative theories of the press were found germane in constructing the structure of our discourse because their details are relatively significant to any issue bordering on press intimidation and repression as well as freedom of individual expression and of the press in any given society. The theories are *Authoritarian* media theory and *Soviet-Communist* media theory, which are referred to as the *lefties'* media and *Libertarian* media theory and *Social Responsibility* media theory that have been christened the *righties'* media. These theories refer to the complex of social-political-philosophical principles that organize ideas about the relationship between media and society. The theories are concerned with what the media *ought* to be doing in the society rather than what they actually do.

According to normative theorists, the press takes on the form and coloration of the social and political structures within which it operates. In the view of the proponents of these theories the press and other media should reflect the basic beliefs and assumptions that the human societies hold. For an instance, in the western cultures where the principles of free press were formulated the normative theory in the context of libertarianism refers to factors such as freedom, equality before the law, social solidarity and cohesion, cultural diversity, active participation, and social responsibility. However, it is apposite to state that different cultures in the world have different principles and priorities based on the concepts that are still relating to the aforementioned factors. It has been observed that normative theories of the press are now in a considerable state of uncertainty because of changes in the media and the rise of new media forms, despite this uncertainty certain broad customs of thought about the rights and responsibilities of the press in human community and the degree to which the community may legitimately intervene to protect the public interest are still pervasive.

The main relevant variants of these normative theories have been described below by the researcher and they are (1) Authoritarian media theory (2) Soviet-Communist media theory (3) Libertarian media theory and (4) Social responsibility media theory. The Authoritarian media theory dated back to the 16th century and arose from English state philosophy of *absolutism* in which recognition of the truth was entrusted to only a small clique in royal family and religious circle. In this period, leadership power was exercised in *hierarchical* or top-down approach and media was used to service the government in power. The above conceptual descriptions presupposed that *Authoritarian* media theory can be applied to early pre-democratic forms of society and also to present day undemocratic or autocratic military systems. In these systems all media of communication were under the supervision of the ruling authority that undermined the established social and political order. The theory contravened rights of freedom of expression and it was invoked under extreme conditions. The press was forbidden to criticize government and its functionaries and the instruments of control were: *heavy taxation, repressive laws, and control of media staffing, ban on printing materials, closure of media, murder and imprisonment of journalists under harsh laws*. “The traces of these controls still exist in the third world countries where press is controlled by repressive military system” (Daramola, 2003). A good example of this theoretical postulation can be deduced from the Nigeria’s military regimes of Generals Sanni Abacha, Ibrahim Babangida and Muhamodu Buhari/Tunde Idiagbon in which basic truths were entrusted to few cabals in power.

The Soviet-Communist media theory is closely related to the authoritarian media theory and it was prevalent in the old Soviet Union. In this theory, the press was mandated to promote socialist system and to maintain sovereignty of the working class through communist party. The press was under direct state control and treated as an arm of government. Outside the government milieu, only the orthodox and legal members of socialist party could use the media; and the media were used to support development and change towards attainment of goals of communist party. A good example of this direct state control of the media has manifested in section 39 subsection 2 of Nigeria’s 1999 Constitution that states that “ownership of the electronic media: radio and television shall be by special licence from the president and staffing shall be controlled by government agents”. These types of media stations, within the context of authoritarian powers in Nigeria, have been used to attain the goals of the incumbent leaders.

The Libertarian media theory, which is also called the free press most fully developed in the United States of America, but applying elsewhere in the world. The theory proclaims complete freedom of public expression and of economic operation of the media and rejects any interference by government in any aspect of the press. The proponents share the belief that a well functioning market should resolve all

issues of media obligation and social need. The theory seeks for freedom to publish, to hold and express opinion. It flourished in the second half of the 19th century and during this period reference was made to the press as the “Fourth Estate of the Realm” (Murphy, 1977). The proponents of the theory also believed in the philosophy of rationalism and natural rights. The theory exists to check the excesses of the government and operates under the principle that press must be free from government control. The theory, however, does not cancel the universal press laws such as defamation, obscenity, invasion of privacy and plagiarism. It believes that human beings are rational and therefore they must be able to distinguish right from wrong. In compliance to the philosophies of this theory the section 39 subsection 1 of Nigerian 1999 constitution has provided for freedom of expression while the subsection 2 of the same constitution grants the freedom to own, establish and operate any mass media.

The Social Responsibility media theory, which is found more in Europe and countries under European influence is a modified version of free press theory that places greater emphasis upon the accountability of the media (especially broadcasting) to the society. According to the tenets of the theory, “media are free, but they should accept obligations to serve the public good by being responsible” (Akinola, 1998). The means of ensuring compliance with these obligations can either be through professional self-regulation or public intervention (or both). The theory also places emphasis on moral and social obligations of persons who, and institutions that operate mass media. The social responsibility of the stakeholders in media business includes: obligation to provide public with information and discussion on important social and political issues. The theory admits no censorship, but depends on maturity of publishers/editors/reporters. It operates under the philosophy of “free and responsible press”. In order to align the thoughts of leadership and the led with the principles of this theory the section 22 of chapter 2 of the 1999 constitution of the Federal Republic of Nigeria has been designed in such a way that mass media are assigned to monitor government and make it accountable to Nigerian people and to uphold the objectives of the state. However, the constitution did not give the press the power to try public officers on the pages of newspapers and magazines, but to monitor and make them accountable to people. The issue of gagging the press with obnoxious laws, which forms the corpus of this academic discourse in the light of repressive measures against the media and the need for freedom of individual expression in contemporary Nigerian society, will be discussed and critically examined within the purview of these four normative theories.

Methodology

Research Design

The research design for this study was based on conceptual frameworks, which are the descriptions, assumptions, exceptions, beliefs, and theories that support and inform the researcher's viewpoint about the military's repressive and punitive measures against the press in Nigeria. The issues of discourse are in narrative form and they include the factors, concepts, or variables that are embedded in the title and the texts of the study, and this also include the presumed relationships among the aforementioned factors. The conceptual framework design is used by the researcher in a broader sense to include the actual ideas and beliefs that he holds about the occurrence of press maltreatment in our modern society.

Data Collection

Data were collected through secondary sources in which information were derived from the contents of books, journals, magazines and the Internet. The data were subjected to scrutiny in order to ascertain their veracity and validity. After verifying and validating the genuineness of these materials, they were then synthesized and interpreted using the tabular and descriptive data analysis tools.

Data Analysis

The data on the legal abuses against the early press of colonial era and the press after Nigerian independence in 1960 were collected through desk research and the materials have been collated, processed, synthesized and their tabular analyses are presented in tables 1 and 2 below:

Table One: Summary table 1 showing the extent to which the early press was repressed by the colonial masters from 1859-1960

Press Abuses	Numbers Reported in the Study	Cases of Press Repression	Laws Enacted	Years of Enactment
Imprisonment of Journalists	1	Thomas Horatio Jackson convicted and jailed	1).Newspaper Ordinance 2).Sedition Offences Ordinance 3). Criminal Code 4). Amended Newspaper Ordinance	1903 1909 1916 1917
Closure of Media Houses	2	<i>The West African Pilot</i> and <i>The Comet</i> newspapers banned in 1945	5). Press Regulation Act 6). Amended Newspaper Ordinance	1933 1948

The result in table 1 shows that the first law to regulate the activities of newspapers in Nigeria was promulgated in 1903 as a result of constant oppositions of the nationalists to British colonial government. This law that made provisions for the regulation of active newspaper houses in southern Nigeria was called *Newspaper Ordinance of 1903*. The law provided that the newspaper owners were required to deposit (1) a sworn affidavit with the registrar of the Supreme Court (2) give details of the correct title or name of the newspaper (3) the address of the place of production and (4) name and address of the printer, publisher or owner. In 1909 and 1916 the sedition offences ordinance and the criminal code were introduced respectively. In 1917 and 1933 the Amended Newspaper Ordinance and the press regulation Ordinance (Press Regulation Act) were respectively introduced as the colonial office was not satisfied with the level of media control in Nigeria. It was observed that no substantial addition was made other than certain technical changes in terminologies and names as the newspaper ordinance of 1917 still retained major provisions of the ordinance of 1903.

Another amendment to the newspaper ordinance was introduced in 1948 and the main inclusion was the payment of an equivalent sum in cash to government as a

deposit by the publisher to free him from the necessity of providing a bond before publishing.

Table Two: Summary table 2 showing the extent to which the press was repressed under the civilian and military rules from 1960 till date

Press Abuses	Numbers Reported in the Study	Cases of Press Repression	Laws Enacted	Years of Enactment
Imprisonment of Journalists	Numbers are not specified by researcher	Journalists were jailed e.g. Olu Onagoruwa of <i>Daily Times</i> and Chris Anyanwu of a <i>Sunday Magazine</i>	1).Defamation Act 2). Official Secret Act 3). Amended Newspaper Act (The most controversial media law).	1961 1962 1964
Closure of Media Houses	Numbers are not specified by researcher	Many newspaper houses were proscribed e.g. <i>Newswatch</i> in 1987	4). Military Decrees and Ordinances	1966-1999

The result in table 2 shows that there was a most controversial media law passed in the year 1964 immediately after Nigerian independence in 1960. It was called *Newspapers Amendment Act of 1964*. The Section 4 subsection 1 of the act generated controversy as it stated that: *Any person who authorizes for publication, publishes, reproduces or circulates for sale in a newspaper any statement, rumour or report knowing or having reason to believe that such statement, rumour or report is false shall be guilty of an offence and liable on conviction to a fine of two hundred pounds or to imprisonment for a term of one year.* Many laws and decrees inhibiting the freedom of expression and of the press in Nigeria from 1960 to 1999, as recorded in table 2 above, can be categorized as follows: (1) **1960-1966:** Children and Young persons (Harmful Publication) Act 1961; Defamation Act 1961; Emergency Power Act 1961; Seditious Meetings Act 1961; Obscene Publications Act 1961; Official Secret Act 1962; Newspaper amendment Act 1966. (2) **1966-1979:** Circulation of Newspaper Decree No.2 1966; the Defamatory and Offensive Publication Decree No.44 1966; Newspaper Prohibition of Circulation Decree No.17 1967; Public Officers' Protection against false Accusation Decree No. 11 1976; Newspaper Prohibition of Circulation Validation Decree No. 12 1978; Nigerian Press Council Decree 31 1978; Daily Times of Nigeria Transfer of certain Shares Decree No. 101

1979. (3) **1979-1983:**The 1979 Constitution in addition to the Criminal Code and Penal Code were in operation (4) **1983-1999:** Constitution (Suspension and Modification) Decree No. 1 1984; State Security (Detention of Persons) Decree 2 1984; Public Officers (Protection against False Accusation) Decree No. 4 1984; The Federal Military Government (Supremacy and Enforcement of Power) Decree No. 13 1984; Constitution (Suspension and Modification) Decree 107 1993; this decree reverted Nigeria to the operation of the 1979 constitution. It suspended parts of the constitution that asserted its supremacy; State security (Detention of Persons) Amendment No.2 Decree No. 14 1994; Newspaper Registration Decree No. 43 of 1993 and the Newspaper prohibition and prevention from circulation Decree No. 48 of 1993.

Discussion

In the 17th century, Thomas Jefferson and his academic colleagues defined the roles of the press as that of informing, educating, entertaining, upholding the truth and bridling the excesses of the government, this study has established a fact while realizing the significance of these defined roles that ‘the Nigerian press from the inception decided to be uncompromising and very zealous in exposing the evils of people in government’.

The study of these circumstances has, however, revealed that the press fought the colonial government to free the Nigerian people from the shackles of colonialism, oppression, slavery and injustice. Apart from this above mentioned freedom fighter tendency, the roles of the Nigerian press at any period in time can also be described as that of *watchdog* and *surveillance* on leadership excesses. A typical example of a watchdog role of Nigerian press can be derived from the one that was performed in November 11, 1880 by the *Lagos Times* publisher: Richard Blaise when he accused the colonial government of extravagant spending in an editorial which ran inter alia: “...in the beginning of the year 1879 the colonial government budgeted 49,934 pounds from revenue generated, but expended 54,939 pounds before the close of the year with the deficit of 5,005 pounds...”.

According to Blaise’s publication, “...this misappropriation of budget also occurred in the following year, 1880 when 47,987 pounds were appropriated and the expenditure at the close of the year ran to 57,939 pounds with the deficit of 9,952 pounds...” (Duyile, 1987). Blaise went unpunished for this inciting editorial because as at the time he wrote it there were no laws inhibiting the press from making such comments. When the colonial government introduced the British Land Tenure System to Nigeria in 1912 the *Lagos Weekly Record* that was published by John Payne Jackson opposed it on August 24, 1912 in its editorials while stating that: “*It can hardly be said to be reasonable to take the laws of one set of people to define the laws of another set of people whose customs and usage are quite different*” (Duyile,

1987). The publisher, Payne Jackson was never punished for this editorial sin. His son Thomas Horatio Jackson also wrote in the same *Lagos Weekly Record* some years after and in his own editorial comments he persuaded the Lagos public “to place no confidence in the colonial courts since the judges in the colony were afraid to give judgments against the ruling executives”.

As at the time the latter editorial comment was written the draconian laws had been introduced to suppress the growing press in the British colony called ‘Nigeria’. In the aftermath, the imperial government alleged that: “Horatio Jackson’s article brought disrepute to the British authority”. This is because the contents of his article were seen as contemptuous materials that could incite treason and therefore he was found liable to be tried in the court of law. The colonialists subsequently charged him to court and martially forced him to pay for what they considered as ‘the sins of his father’. Afterwards, he was found guilty of the offence in the law court; he was convicted and imprisoned as well as fined. This judgment was considered ‘too harsh’ by many sympathisers who viewed Horatio Jackson as a defender of truth. In these punitive measures he forfeited his freedom, got incarcerated, paid exorbitant fine and went through mental torture.

Another legal war was waged against the press some decades after, precisely in the year 1979, when a columnist with the *Daily Times of Nigeria* Dr. Olu Onagoruwa was dragged to court for allegedly prejudging a case before the Anambra State High Court. He was detained in prison for contempt of court, but the accused, who himself is a lawyer, appealed on the ground that “the order for his detention was unlawful and that the alleged contempt was *ex-facia curia*, that is, it was committed outside the court and not *in-facia curia*, which means that it was not committed in the face of the court and that his action was not intended to hinder or obstruct the court’s administration of justice”.

The court of appeal upheld the above arguments made by the appellant and added that “the alleged contempt was not as a result of the publication of an initial article written by the accused in the newspaper, but rather for his refusal to comply with the order of the court that he should make amends for his initial contempt”. The court of appeal finally ruled in the appellant’s favour and declared that his detention was improper because he was not given a fair hearing; the judge therefore *Res Judicata* the case.

The major landmark of the latter legal example was expatiated by Okoye (2008) when he referred to the declarative statements made by the appeal court about contempt in general: “Contempt committed *ex-facia curia*, being words spoken or acts done outside the court, which are intended or likely to interfere with or obstruct the fair administration of justice or a newspaper article apparently prejudging a trial, could clearly be *prima-facie* contemptuous, but in deciding whether it actually

offends the law, the court should act with caution and restraint and consider whether the hearing will in fact be grossly affected, particularly, where the issue concerned is a civil one to be heard without a jury, but solely by a judge who is trained to assess the evidence fairly and to arrive at conclusion based on that alone”.

Myriads of legal issues involving the media in contemporary Nigerian society, rather than suppress it, made the press to become more vibrant. The two legal examples cited above presuppose the fact that right from its inception the press, within the context of Nigeria’s socio-political activities, has been facing myriads of repressive laws from the authoritarian governments. It is therefore not an understatement to state that “since the colonial time, the Nigerian Journalists have been subjected to all forms of intimidations as they were haunted by oppressive dictators who strove very hard to cage them through enactment of draconian laws”.

This study has also established the fact that the Nigerian press suffered most in the hands of dictatorial colonial and military leadership. The first newspapers to suffer victimization of executive power in the hands of colonial dictators were *The West African Pilot* and *The Comet*. These newspapers were banned in 1945 for taking sides with striking workers and for giving Comrade Michael Imoudu the then incumbent Nigeria’s union leader ‘undue publicity’. The story was that “Comrade Michael Imoudu organized the famous demonstration involving railway’s Public Works’ Department (PWD) and other Nigerian workers...he led these angry workers to the government house to meet the Imperialist’s Governor, Sir Bernard Bourdillon”. At the government house he made this famous rhetorical speech: “The European workers in Nigeria have been paid leave bonus, the African workers demand their leave with pay; The European workers have received pension on retirement, the African workers demand this pension; The European workers are given preferential treatment, the African workers demand better condition of service”. The speech was reported verbatim and popularized by these two newspapers and in annoyance the colonial government instituted legal charges against the two media organizations and this led to their closure.

The Gowon’s regime (1966-1975) was the first to enact obnoxious decrees that impeded the freedom of speech in which erring journalists were punished. His government promulgated the Decree 24 otherwise called the *Police Special Power* decree of 1969, which granted the executive arm of government undue powers to arrest any person that disobeyed this law, which was promulgated “to support arms control and to stop any acts prejudicial to public peace”. It is worthy of note that before the above law came to fruition, a decree No. 17 had been enacted in 1967 to empower the head of state to prohibit “the circulation in any parts of the country any newspaper that may be detrimental to the interest of the state” (Oloyede, 1996). Suffice to say that the latter decree was not instituted against any other newspaper

except the *Biafra Sun*: this is a secessionists' tabloid for which the decree was actually enacted. The two decrees mentioned above gave the then Deputy Inspector General of Police the liberty to detain, for an example, Mr. Henry Onyedike, the editor of *Renaissance* Newspaper and the tabloid's correspondent Mr. Agwu Okpanku for publishing an article titled: *Killing Biafra*.

The publication criticized the portion of the decree that facilitated the changing of pristine primordial name of the *Bight of Biafra* to *Bight of Benin*. The readers frowned at the unlawful detention of the journalists and commented that "this anti-press law blurred the distinction between lawful and unlawful conducts since its enforcement depended on the whims and caprices of the officers operating it". In 1973, Mr. E. Amakiri a journalist was maltreated and humiliated by the government of Rivers State for carrying out his constitutional obligation when he reported in a story headlined: *Rivers Teachers on War Path*. The story was published to coincide with the birthday of the state governor and to popularize the actions of teachers in River state who were threatening strike action to press home their basic demands.

While appraising the latter incident, Oloyede (1996) wrote that: "for publishing such an embarrassing story on the birthday of the River state Governor, Alfred Diete-Spiff, Amakiri had his head shaven with broken bottles and was given 24 lashes across his bare back with blood oozing from various parts of his body before being incarcerated". He reported further that "Amakiri sought redress in the law court and sued the governor's *Aide Camp* who assaulted, battered and imprisoned him claiming £110,000 as damages. The then acting Chief Judge of the state Justice Ambrose Allagoa ruled that "the brutality against the appellant was illegal and unconstitutional as it is published in a portion of the 1963 constitution of Nigeria".

The Generals Murtala/Obasanjo regime (1975-1979), according to Oloyede (1996), retained most of the anti-press freedom laws promulgated by Gowon's regime and even added new ones such as decree No. 12 of 1978, which was used to ban *Newbreed* magazine for writing an article titled: *The Drift Continues*. Notable journalists that faced the wrath of this regime include: (1) Chris Okoli-Publisher of *Newbreed* Magazine (2) Aliyu Biu of *New Nigerian* Newspaper (3) Bisi Oloyede-Lagos editor of *Daily Sketch* Newspaper and (4) Bunmi Iyeru-Acting editor of *Daily Sketch* Newspaper. Umena (1996) did an extensive appraisal of the Generals Buhari/Idiagbo regime (1984-1985). He wrote that during this regime "a policy statement was issued to reduce the importation of newsprints and that these military rulers mandated newspaper and magazine producers to concentrate on the purchase of the low quality newsprints that were produced locally at Jebba, Oku Iboku and Iwopin". According to him, "this gave rise to inadequate supply of newsprints and many media organizations in Nigeria were greatly affected and therefore complaint bitterly that the measure was put in place to punish them since the locally produced

newsprints could not readily meet their production needs in terms of quality and quantity”.

Umena also discussed other dictatorial military leaders who have fought some media organization through unlawfully act of seizing their stock of newsprint. He reiterated that “they make it impossible for these media organizations to print”. He also noted that “the press started to suffer greater abuse during the regime of Generals Buhari/Idiagbon in 1984 when the draconian decree 4 was enacted”. The first victims of this decree that he mentioned were Messrs Tunde Thompson and Nduka Irabor of *The Guardian* Newspaper who were jailed for writing offensive article against their government.

Isekhure (1988) re-echoed the harrowing event of October 19, 1986, during General Ibrahim Babangida regime (1985-1992), when a government agent presented Dele Giwa of *Newswatch* Magazine a letter bomb that shattered his body. He reported further that in 1987, *Newswatch* was proscribed by the military regime of Babangida and that this proscription was followed by sundry arrests, intimidations, harassments and detentions of myriads of journalists. He concluded that “beside this, many journalists received anonymous telephone calls and letters bearing the message: *Beware of what you write*”. Ebisemiju (1999) and Oyinlola (1999) reappraised the events under General Sanni Abacha regime (1993-1998) when they wrote about how the following journalists Kunle Ajibade, Chris Anyanwu, Charles Obi, George Mbah, Idris Animashaun, Ray Ekpu, Dan Agbase and Yakubu Mohammed were subjected to various forms of human rights abuses when the issue of June 12 political impasse was being contested in the public court of opinion. Oyinlola (1999) reflected on how the regime dealt with Idris Animashaun’s publication: *Monthly Life* by making it to pay the sum of N80,000.00 for writing offensive cover stories on June 12 crises.

Ebisemiju (1999) equally recounted Mbah and Ajibade’s harrowing experiences in Abacha gulag; this was also subsequent to the June 12 political imbroglio. He also wrote about the demand for financial compensations and public apology to the journalists whose human rights were violated and media houses whose newspapers were proscribed. He reaffirmed that the issues of banning newspaper houses and killing of journalists for political reasons were rampant during the regimes of Generals Babangida and Abacha. Ebisemiju reopened the record of a fact that Nigerian journalists have, vigorously, engaged these two generals in what is called *Press War* and he summed up his analyses by declaring that the Nigerian journalists succeeded in pulling down the tyrannical regimes of the two army Generals. During the regime of General Abacha, a journalist by the name James Baguada also paid a supreme price for telling the truth and for exposing the shady activities that were being perpetrated in *Aso Rock*. Oyinlola (1999) confirmed that “Baguada was subjected to inhuman treatment and eventual death”.

The *Media Rights Monitor* (1999) in its score sheet has also observed high rate of human rights abuses against the Nigeria media during the civilian regime of Olusegun Obasanjo (1999-2008). The organization came up with the famous caption: *Attack on the Press in November* and in its analyses it was mentioned that “journalists from fifteen media houses in Nigeria were on November 4, 1999 disgracefully dismissed and sent out of an all important *Committee Session* organized by the ‘House of Representative Committee on Defence’ to deliberate on Nigeria’s periodic Depot Maintenance of Air-force Facilities after Inspection”.

On November 8, 1999, in Abuja, a group of policemen also assaulted and whipped Mr. Ben Shemang, a reporter with the *Voice of Nigeria*. His sin was that he obstructed the vehicles in which the police were travelling. There was a case of hired assassins trailing Mr. Reuben Mouka, the deputy communication editor of *Vanguard* Newspaper, to his house in Surulere area of Lagos on November 8, 1999. It was reported that three men arrived at his house at 3.00 pm and did surveillance of the compound with intention to strike at subsequent time, but the security guard on duty kept him at alert.

There was also a case of plain-cloth security operatives that raided the office of the *Ebonyi Times* on November 9, 1999 in Abakaliki. During the raid a newspaper’s distributor, Kingsley Eze, was arrested and a large quantity of current edition of tabloids was seized. To support the case of inhuman treatment of the pressmen a report was released in 1999 by *World Association of Newspaper* (WAN) after her annual Board meeting in Lisbon, Portugal and it was indicated that attacks on the press have remained appalling. According to *WAN*’s record, sixteen journalists were murdered and twenty-three jailed in the year 1999 alone. The *Media Rights Monitor* (1999) also confirmed this when it stated that “four journalists were murdered in Nigeria” in that same year.

Conclusion

This study has taken a cursory look at the extreme brutality against the Nigerian press from the angle of obnoxious decrees that were used to illegally detain and maltreat journalists in the course of performing their professional obligations. The study discovered that conviction of journalists to myriads of jail terms and eventual deaths are common phenomena in contemporary Nigerian society. Many journalists were, for an example, arrested and detained unlawfully during the political impasse to validate the June 12, 1993 presidential election that was believed to have been won by Chief M.K.O. Abiola. Many journalists were maimed during this political imbroglio and have therefore been disabled in performing their watchdog duty on release from the military gulag.

This study is, however, preoccupied by the way the Nigerian press has been prevented 'from speaking freely and from expressing its opinion' by dictatorial governments who promulgated laws and decrees in order to cover their nefarious activities from being publicly reported or discussed and by the way the Nigerian press has fought so many 'biro' battles on the altar of military brutality. The implications of the above mentioned press activities and the military's maltreatments of journalists are obvious. The more critical the press attempts to be, the more the constitutional press freedom provisions are put in limbo by the 'khaki' boys.

The study also revealed that the military rulers have always perceived constitutional provisions as "unnecessary political jargons" that can hinder them from using corrective and punitive measures, hence the tendency to suspend or modify certain sections of it or sometimes put the entire constitution in abeyance. They mostly took this irrational action probably because they were never elected and they saw themselves not accountable to the feelings of the masses of people they were ruling.

The researcher concluded that the military leadership in Nigeria had used several state apparatus to suppress the truth and the five basic tools that have been used by the government for suppressing the press, which were identified by Oloyede (1996:33) are listed inter alia: first, the proclamation of a state of emergency; second, promulgation of arbitrary anti-press freedom decrees; third, whimsical harassment, arrests and detention of journalists; fourth, despotic proscription of media houses and fifth, deliberate incapacitation of the judiciary through jurisdiction-ousting clauses. The incumbent government in power is hereby advised not to exploit those repressive measures and obnoxious laws instituted by the military juntas in the name of providing security for the state.

References

- Akinola, R. (ed.) (1998). *Nigerian media and legal constraints: Analyses of press legislations in Nigeria*. Lagos: Centre for Free Speech.
- Altschull, J. H. (1984). *Agents of power: The role of the news media in human Affairs*. New York: Longman.
- Baran, J. S. (2010). *Introduction to mass communication*. International Edition. New York: McGraw Hill.
- Boyce, G. et al (eds.) (1978). *Newspaper history from the 17th century to the present day*. California: Sage Publications Inc.
- Cohen, B. (1962). *The Press and foreign policy*. Princeton: University of Princeton Press.

- Daramola, I. (2003). *Introduction to mass communication*. Lagos: Rothan Press.
- Duyile, D. (1987). *The makers of Nigerian press*. Lagos: Gong Communication (Nigeria) Limited.
- Ebisemiju, B. (1999). Voices rise again on anti-press law. *The Guardian*, June 21, Cl.: 54
- Fagbohunbe, T (1993). *Pen at gunpoint: The travails of press freedom in the world*. Lagos: Solubat Press (Nigeria) Limited.
- Fawehinmi, G. (1987). *Nigerian law of press under the constitution and the criminal law*. Lagos: Nigerian Law Publications Limited.
- Hammer, J. J. (1979). *Communicating under law: Free speech*, Volume 1, USA: The Scarecrow Press Incorporated
- Isekure, N. (1988). The dilemma of Nigerian press. *Nigerian Observer*, January 11, Cl.: 3
- Kunczik, M. (1988). *Concepts of journalism: North and South*. Bonn: Friedrich Ebert-Stiftung.
- Kutner, L. (1962). *World habeas corpus*. New York: Oceana Publications Inc.
- Media Right Organizations (1999). *Media rights monitors*. December Edition, Volume 4, No. 2
- Murphy, D.R. (1977). *Mass communication and human interactions*, USA: Houghton Mifflin Company.
- Okoye, I. (2010). Media law and ethics. *Students' Course Material*, Lagos: National Open University of Nigeria (NOUN).
- Oloyede, B. (1990). *Dismantling the culture of silence: For a freely communicating press and society*. Abeokuta: Jaroy Investments Limited.
- _____ (1996). *Press freedom in Nigeria: A critical analysis of salient issues*. Abeokuta: Kunle Alayande Publishing Company Limited.
- Oluwanike, T. (2011). *Gentlemen of the press*. Ibadan: B-Bee Ventures.
- Oyinlola, A. (1999). Media and Human Rights Abuses. *Seminar Paper*, Ibadan: Nigerian Institute of Journalism, Iyagankun
- Siebert, F. (1952). *Freedom of the press in England: 1476-1776*, Urbana: University of Illinois Press.
- Umena, G. (1996). Mass Media and Nation Building. *The Pointer*, September 12, CL.: 14