# lournal of Spelal Sciences.

# Volume 5, Issue 2, 2020

Enugu State University of Science & Technology



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Faculty of Social Sciences Enugu State University of Science & Technology www.esutjss.com



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# Abstract

The watch-dog role of the press demands that the press be given freedom to hunt for information and disseminate same to the public. With the Nigerian government waiting to bounce on the media at the slightest opportunity, there is no how the journalists can fix their eyes on the executive, legislature and judiciary to ensure that they do not abuse their power and to fish out corrupt ones among the leaders. In order to do justice to this topic the researcher set out to discover practical cases of different measures used against the press by the government. Books, journals, and other documents were the secondary data used to uncover these facts. At the end, it was discovered that despite the dehumanizing treatment meted out to the Nigerian press by the civilian and military governments, it still remains the most vibrant and outspoken sector in the whole of Africa. Some recommendations were made among; which are that the government should give the press freedom and adequate security; and that the press should discharge its duty bearing in mind the ethics of journalism which encourage it to be fair, accurate and objectives.

### Keywords: Freedom of press, information bill, journalism, publicity and security,

# Introduction

Since the inception of printing technology, the power of the press has always made the government to use different measures to suppress it for fear of the outcome of its publications. That is why Rodman (2006 p. 474) emphatically stated, that "the history of the media is also a history of legal battles" and this has immensely affected media growth and development.

The press is the "Watch dog" of the society and its function is to hunt for information and comment on events in order to achieve a desirable change that will bring development to the society. When the press mediates between the rulers, and the ruled it is to keep the rulers in check and help the ruled to understand the activities of the government. The press watches the society, ensuring that personal or sectional interests of the rulers and those in the corridors of power do not interfere with the course of public policy decisions. Despite all this good jobs that the press is doing for the society, journalists are being suppressed, cowed, intimidated and repressed through different measures. Today, the question in the mind of Okonkwo (1996 p. 56) and many others is "why should a journalist be ever/body's whipping boy?" Journalists are neither safe during the civilian

administration, nor during the military regime and to worsen the matter, legal protection for the journalist is uncertain which makes the job highly hazardous.

The truth of the matter is that journalists are very important in nation building and should be given free hand to perform their duties if it must be done professionally but the fear that the press is so powerful and can influence events has always denied it that freedom it so desires.

The perfect example of the power and influence of the press is the trial and conviction of Cleveland Osteopath, Dr. Sam Shepherd.

The case as recorded by Rodman (2006 p. 480) stated that

Sheppard's pregnant wife, Marilyn was brutally murdered on July 4, 1954. It was a sensational case: Sheppard was socially prominent, wealthy, and good looking. The night Marilyn was killed, he claimed that he returned home to find "bushy-haired stranger running from his home. Sheppard wasn't arrested at first, but the local newspaper covering the investigation found circumstantial evidence suggesting that Sheppard could be the killer.

The newspapers through their write up pushed for the arrest of Sheppard with sensational headlines like "Getting Away With Murder" and "Why isn't Sam Sheppard in Jail?" Due to media pressure, Sheppard was arrested tried and jailed. When it was discovered that he may not have killed his wife, Sheppard was released after serving so many years jail term but he died four years after he was released from prison. The story has it that during those four years, he married and remarried and tried to reestablish his medical practice but failed. His life was never the same again even when he turned to professional wrestling, calling himself the killer Sheppard as an attempt to capitalize on his notoriety. Although, that case changed the way criminal trials are conducted in United States, yet when dealing with the press, government of various countries go beyond legal techniques used to provide protection for the government. The case of Sheppard was a clear case where media coverage interfered with the defendant's right to a fair trial but is that why different governments try to gang the press? Are legal means of curtailing their excesses not enough to check-mate them? Do we really need extra legal measure to force the press to do the right thing?



# **Conceptual Clarification**

• Extra Legal Measures: - Extra legal measures against the press mean going beyond or outside what is legally required to punish the press or to stop it from carrying out its legal duties. Extra legal measures are sometimes used because the government is not always patient enough to follow the legal means of settling cases between them and the press.

Some of the extra legal measures include maltreatment, torture, confinements, illegal detention, ownership control, self-censorship, temporary or total withdrawal of licenses, closure of media houses, killing etc.

These extra legal measures impinge on the ability of the journalists to perform their duties ethically and professionally.

# Theoretical Foundation

It is a popular belief by communication experts that the press takes on the form and colouration of the social and political structure within which it operates. This is because the "Mass Media operate within the context of the framework stipulated by the society" (Ogah p. 83).

Based on the above assertion, this work is anchored on the four normative theories of the press-Authoritarian Media theory, Soviet Communist Media theory, Libertarian Median Theory and Social Responsibility Media Theory.

**The Authoritarian Media** exist to serve the government in power and they are forbidden to criticize the government or "its functionaries. Here the press is largely aimed and controlled, mostly through repressive measure, by the government while those who are not own by the government are expected to remain neutral even in the face of bad government. Folarin (1998 p. 25) notes that:

The instruments of control employed by different authoritarian governments include repressive legislation (including decrees), heavy taxation, direct or subtle state control of staffing and of essential production inputs such as newsprint, and even more obviously repressive and objectionable measures such as prior censorship and suspension of publication.

Sometimes; total proscription of the press is used by the government to suppress the press. Soviet-Communist Media Theory seems closer to the authoritarian theory because it also subjects the press to state control but in the case of communist theory, the major duty-of the press is to promote the socialist system and maintain the sovereignty of the proletariat or working class through the communist party. This means that the media is under the direct control of the government as the arm of government and used to support development. Libertarian Media Theory believes in free market "place of idea" where good ideas would drive out bad ones if both are allowed to coexist. Any government that practices libertarian theory maintains that individuals are free to hold and express opinions freely. "They exist to check on governments, and that requires that they be free of government control" (Folarin 1998 p.27) but this is hardly the case even in some countries like Nigeria that claims that the press is the "Fourth Estate of the Realm." The truth is that free press does not advocate immunity to the rule of law. That is why even in libertarian government the press is expected to distinguish between truth and falsehood which brings about self censorship. Social Responsibility Media Theory carne as a result of the deficiencies of the libertarians", theory. In 1947 Hutchins Commission on Freedom of the Press was set up in the United States of America to reexamine the concept of Press freedom as clearly expressed by libertarian theory. It was discovered that Media growth in the area of commercial and technological development tends to limit the power of individuals and groups and concentrate media power in the hands of few like advertisers, media professionals, government functionaries etc, who have the economic power and access to the mass media that is why libertarian theory became undesirable. Ogah (2008 p.86), confirmed that:

> the Immense societal dissatisfaction .and displeasure orchestrated by the rather disorganized libertarian paradigm compelled media Mogul, Henry Luce to give a grant of \$200,000 to, an old college friend, Robert Maynard Hutchins to enable him undertake a study of the American media landscape

The freedom modern society needs couldn't have been adequately taken care of by the libertarian theory since such freedom is expected to be accompanied by responsible press. So, social responsibility theory expects a free press to be a responsible press which means that freedom of press should go with corresponding obligation the press has to this society. A closer look at these four normative theories indicates that no country can proudly claim to be practicing one of them rather what is seen is a combination of all of them. Even Nigeria that is looked upon as having the



freest press in Africa still uses extra legal measures to suppress the press. Different laws and repressive measures equally hinder the smooth operations of the press in places like United States of American where the press has achieved great feat in the past as a result of the freedom journalists enjoy. For instance it was such freedom that led to the water-gate scandal which led to the exposure of President Richard Milhous Nixon and his electoral frauds which eventually led to his resignation. It was two reporters of Washington Post, Bob Woodward and Carl Bernstein who uncovered and reported the scandal (Okonkwo 1996).

Baran and Davis (2007) and McQuail (2010) believe that the normative media theory explains hew a media system should operate in order to conform to or realize a set of ideal social values.

# Freedom of the Press and Cases of repressive Measures Against the Press in Nigeria and the World at Large

The fear that the journalists pry to expose hidden information makes the government to use repressive measures to clamp down on them. These extra legal measures tend to reduce the degree of freedom the press ought to enjoy. The issue of press freedom concerns every individual and nations of the world due to the nature of the work of journalists which is to advance the public interest through their publications. The press has been operating under the provision of freedom of expression as enshrined in the Republic constitution of 1963. Section 25(1) which states that:

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

When the constitution was amended in 1979, nothing was still done to give the press that freedom it so desired. The constitution Drafting Committee (DC) who drafted the constitution did not see any reason why the journalists should be given more right to freedom of expression than any other citizens of the country. Despite the fact that the reproduced draft in section 36(2) added the watchdog role to the job of 'the journalist, when the long awaited Freedom of Information (FOI) act was signed into Law; it still did not accord the press total freedom but states that the press is as free as every other Nigerians with regard to access to information, records and government and private documents.

The Freedom of Information (FOI) Act signed into Law on May 28, 2011 is an Act that gives every Nigerian a Legal right of access to information, records and documents held by government bodies and private bodies carrying out public functions... before now, Nigeria had no Law which guaranteed citizens access to public records and information on the contrary, many Nigerian law have secrecy clauses prohibiting the disclosure of information by the Official Secret Act, the Criminal Code, the Penal Code, etc <u>f http://www.focioalition.org/foibill/index.htm</u>)

Before this bill was signed into law, it was difficult to get information from public office holders and public servants because most public servants are made to swear to oaths of secrecy when employed and this does not allow them to divulge, information to journalists freely no matter how important such information may be to public interest. According to Okonkwo (1996 p.58), the official secret Act inhibits free information flow. The act states that anyone who holds office or has held office will be guilty of an offence if "he divulges information which he is not authorized to give.

The press does not enjoy complete freedom anywhere because those in government fear that, if given more freedom than necessary, the press would use it against them. This lack of freedom, makes every government that 'comes to power to suppress the press through arbitrary arrest/ detention, brutalization and different kinds of intimidation.

The military suspends the constitution and rules by decree whenever they come to power. These decrees have never been favourable to the press and that makes their job more difficult during the military than civilian regime. Okonkwo (1996) and Okoye (2009 p. 253) recorded that Decree 4 of General Muhamadu Buhari affected many journalists among whom were "Tunde Thompson and Nduka Irab" or of the *Guard/an Newspaper* who are now heroes in' the struggle to preserve Press Freedom. They were incarcerated for 12 months for daring the military. 'The military governments in Nigeria are quite synonymous with the employment of extra-legal measures against the press (Okoye 2009 p.253). Citing Agbo and Eze (2007 p. 133-134) Okoye (2009) further stated that:

The government constitutes a major problem to the press, especially governments which acquired legitimacy through the barrel of the gun or falsified election results. These are dictatorship, and tend to shun avenues of free speech and



free dissemination of information. Thus, they crack down on the press. Cracking down involves the use of Draconian laws and decrees, mainly geared against the press freedom,

Other victims of the extra legal measures were Minere Amakiri of the *Observer Newspaper* who had his hair shaved and was horsewhipped for publishing an embarrassing story of an impeding teachers strike over non payment of teachers' salary in the *Observer Newspaper* during thebirthday celebration of the ^then governor of Rivers State, Alfred Diete Spiff. You can imagine such victimization simply because the governor was alerted of an impeding danger and the need to arrest an ugly situation before it gets out of hand. Instead of commendation, the watchdog role of the press sometimes/ earns journalists dehumanizing treatment, a whip or an imprisonment.

<sup>6</sup> In the case of Amakiri the governor preferred a flamboyant birthday celebration on the eve of the states' teachers propose strike and dehumanizing treatment to the reporter instead of commending him for a job well done.

In 1983 during the Alhaji Shehu Shagari's regime, it was Ray Ekpu that was jailed for publishing an article titled "Sodom and Gommorah" which alerted the public on the increasing act of arson on public buildings (Okonkwo 1996). Okonkwo equally made the following observation

- 1. that *Sunday Sketch* editorial of August 16", 1987 led to the burning of the early Northern edition copies of the newspaper simply because the governor of Oyo State did not like it.
- 2. that the editor of the *Nigerian standard* was fired on August 18, 1987 because the paper carried an editorial on the retirement of two bank executives Ayagi and Olashore.

During President Olusegun Obasanjo's regime, (Okoye 2006 p,254) quoted Ukonu's (2006 p.167) record thus:

...President Obasanjo barred Cyril Mba - a journalist from entering the State House on September 23, 2003, for alleged damaging reports on the president. Mba was not prosecuted but security agents extra-judicially hurled him out of Aso Rock.

What a disgrace. Okoye (2006) equally captured-Agbo and Eze's (2007 p. 135-136) view of Obasanjo's administration thus;

...the media under Obasanjo received serious bashing and was treated with disdain. Despite being a major stakeholder in the nation's polity, the media save a few pro-government organs was ostracized and treated like an outcast. In a democracy under Obasanjo's regime, *Insider Weekly* was invaded and turned upside down like a war-torn zone by agents of the State Security Service (SSS)' that was on September 4/2004. The magazine's premises were sealed up.

The military that ruled Nigeria from 1996 to 1999 meted out the worst treatment to the press especially Gen. Ibrahim Babangida and Gen. Sani Abacha. During the duo's military regime, the Nigerian press proved to be daring. Despite several incarcerations of journalists, burning of newspapers and magazines, prosecution or midnight closure of media houses, beating and killing of journalists etc Nigerian Press kept matching on.

It was during Abacha's regime, on February 2, 1996, that Chief Alex Ibru, publisher of the *Guardian Newspapers* escaped death after being shot at close range. It was also during that period, on June 4, 1996 to be precise that Mrs. Kudirat Abiola, the late MKO.Abiola's Wife was assassinated. The Journalists who suffered this extra legal measures are numerous for instance, Okezie Amarube, a journalist in Enugu, was shot dead by a police man on August 28, 1998; Chris Anyanwu, the editor-in-chief of *Sunday magazine* was arrested and detained on March 15, 1995 for publishing a story titled "Coup Update: Boodbath Soon/' Chief Oni Egbunine, the publisher of *"Horn Newspaper"* in Owerri was on July 1, 1997 beaten into a state of coma by the Imo State soldiers. On February, 8, 1999, during Abdusalami's regime/ police officers stormed the' editorial office of *"The News"* and arrested the general manager, Idowu Obasa, Press Manager, Wole Odofin and Jajudeen Suleiman. They were all detained without charge, (Index on Censorship, 199 p. 115. No. 2).

Gen. Ibrahim Babangida who was seen as a Maradona was equally harsh to the press as stated above, even as he co-opted some media practitioners into the government by way of appointment in order to suppress the press. Some of them who refused to be lapdogs paid dearly for it. The most celebrated case being that of Dele Giwa, the pioneer editor-in-chief, of the *Newswatch Magazine*, who was given a letter bomb that cut him down at his prime, still mourning the veteran journalist after 25years of his demise, Abimboye (2011 p.18) writes on how Dele Giwa was assassinated.



Inside his study, Giwa and Kayode Soyinka, the London bureau chief of *Newswatch*, who arrived the previous day, were engaged in discussion when Billy 17, Giwa's first son, brought his father a parcel. It was given to him by Musa Zibo, the security guard. On it was inscribed. "From the office of the C in C" (Commander in Chief)... Also written on the parcel was: "To be opened by the addressee only... as Giwa placed the parcel on his laps and tried to open it with his right hand, it exploded... and Giwa lay prostrate in the pool of his blood... Giwa's body ^ was mangled beyond recognition. His flesh and bones mixed with his blood were a grim evidence of the dastardly act.... then he died. Time: 2:27pm.

Few days to the gruesome murder, Giwa was interrogated by the officials of the State Security Service (SSS) for his article on "Second-tier.Foreign Exchange Market, (SFEM) by Gen. Babangida. Several accusations were leveled against him including, holding discussions with the Nigerian Labour Congress, NLC, the Academic Staff Union of Universities, ASUU, and Students to carryout socialist revolution. He was equally accused of\* promising to defend Alozie Ogugbuaja, a police superintendent and spoke person of Lagos Command who was suspended for saying before the Akinbi panel that probed the students' riot which took place few months earlier, "that all that soldiers do is to eat pepper soup and drink beer and so had all time to plan coups and that *Newswatch* would employ him if sacked from the police." They tried to give Giwa a bad name including being arms dealer (a gun runner) before sending him to his early grave (*Newswatch* Oct. 24, 2011).

If the military is not pardoned by the public for using extra legal measures to cow the press what will be done to the civilian government that do the same to supposedly free press after the Freedom of information Act has been signed into law? In October 11, 2011, the police arrested four senior editors of the *National Newspaper* in Lagos and Abuja offices for publishing a letter written by Olusegun Obasanjo to President. Goodluck Jonathan. The paper carried content of the letter which has to do with Obasanjo asking the Goodluck to relief some ministers of their ministerial position. Recently, the Boko Haram group has added its own death measure by threatening the media. In an article titled "We didn't Kill Him -Boko Haram," Ola (2011 p. 5) reported that the Boko secretary warned that they would launch an attack on the press just the way they attack the security agents if they continue to misrepresent them. Now, they have made good their threat with the recent murder of the NTA Maiduguri Camera man-Zakariya Isa on Oct. 22, 2011.

#### Foreign Cases of Extra Legal Measures Against the Press

According to Okoye (2009 p. 257) in South Africa, when racism and apartheid was the^ order of the day any press that refused, to uphold the doctrine of apartheid and false image of the superiority of the white race stood the chance of being charged with numerous offences that could close it down. Citing Barton (1989 p. 136) Okoye (2009 p. 255) further opines that in Uganda, editors are beaten and burned to death/ which made Barton to agree that Nigerian Press is the freest in Africa despite the measures employed by the government to suppress them. It was Rodman (2006) who wrote that as far back as 1690, Benjamin Harris' *Public Occurrences* was shut down just after the first issue. The reason given by the government was that Harris wasn't a licensed printer though it was just an excuse given by government for proscribing the paper. In 1772, he also pointed out that James Franklin was jailed for failing to get government approval to publish the *New England Courant*.

#### Summary

In summary Ogbonda (2006 p.193-203) - writing on the relationship between the state and the press cited some writers and scholars like Ekwelie (1979), Anyanwu (2002), Agbese (1988), Jose (1975), Nwosu (1987) and many others who lamented that:

- ♦ Various military regimes arbitrarily arrested, detained and tortured journalists.
- Several media houses were arbitrarily shut down and newspapers and magazines copies were confiscated at newsstands.
- Some journalists were tortured or murdered.
- Under the General Muhammadu Buhari's regime, December 31, 1983 August 27, 1985, Haroun Adamu, editorial adviser of *Punch;* Lade Bonuola and Femi Kusa, assistant editors of. The Guardian; Duro Onabule, editor of National Concord and AB. Ahmed, Sunday editor of the New Nigerian were arrested and detained.
- It was the trial and imprisonment of two editors of *The Guardian*, Tunde Thompson and Nduka Irabor by the military tribunal that marked a major watershed in state - press relationship during the Buhari's regime.



- During Ibrahim Babangida's regime the government closed down the *Newswatch...* magazine for six months.
- Newswatch editors, Ray Ekpu, Dan Agbese, and Yakubu Mohammed were arrested and charged with sedition, a charge the government later dropped.
- ✤ In July', 1993, the government confiscated 100,000 copies of tell magazine.
- On July 22, 1993, government closed down seventeen newspapers and magazines.
- It was the murder of Dele Giwa, editor-in-chief of *Newswatch* on October, 19, 1986, that will for a long time remain a reference point in state-press relations during the Babaginda's regime.
- During Sani Abacha's regime the government seized 50,000 copies of *Tel! Magazine* and shut down *The Punch, The Concord,* and *The Guardian* for one year.
- The state also arrested and detained several journalists among whom were Nosa Igiebor, editor of *Tell;* Bayo Onanuga and -Dapo Olorunyomi, editor and deputy editor of *Tempo* respectively; Kunle, Ajibade, editor of *The News;* Ben Charles Obi, editor of *weekend Classique;* George Mbah, assistant editor of *Tell* and Christ Anyanwu, editor of *The Sunday Magazine*.
- Even during Obasanjo's regime, *Weekly Insider* magazine was closed in September, 2004.
- On May 2, 2005, Orobosa Omo-Ojo, *Midwest Herald* was arrested and detained on the order of Stella Obasanjo, the'; President's wife, for publishing a story titled "Greedy Stella".
- On January 19, 2005, armed police officers invaded the premises of a *Port Harcourt Weekly, National Network* and arrested its publisher, Jerry Needam.
- On April 13, 2005, two Australian Broadcasting Corporation Journalists who were covering the Rivers State government's demolition of "illegal buildings" in Port Harcourt were arrested, detained briefly and released.
- Segun Olatunji of *The Tribune*, was severely beaten that he was rushed to a hospital for treatment.
- On 8, September, 2004, security officials arrested and detained Isaac Urnnna, editorial consultant of the *Global Star Magazine*.
- On August 30, 2003, presidential security officers .brutalized a *Daily Independent*. Photo-Journalist.

- On October 14, 2003, angry members of the National assembly threatened to sanction journalists who wrote graphic reports of allegations concerning a ¥54 million bribe against two senators.
- On September, 4, 2004 officers of the state security-service (SSS) invaded the *Insider Weekly* arrested its production editor Raphael Olatoye and two other writers, confiscated 15,000 copies of the magazine and printing equipment before closing it down.
- On November 24, 2003, the *Insider Magazine's* editor-in-chief and its two senor writers, Chucks Onwudinjo and Janet Mba - Afolabi, were arrested and detained for a story titled "Aso Rock Oil Bunkering Scandal..."

#### Conclusion

The few examples stated above indicate that the love-hate relationship between the media and the government did not start today and is not seen in Nigeria alone. However/ Ewelukwa (2004 p.176) stressed the importance of the good relationship between the press and the government for the interest, of all and for the progress of the nation. The relationship between the media and the government is expected to be a symbolic one because none can exist without the other.

Media effect can be powerful, there is no doubt about that/ but there are better legal means of bringing an airing journalist to book without subjecting him to dehumanizing treatment. The laws of sedition, defamation, official/secrete act etc are to protect the government and its officials and if that is not enough media ethics and self censorship are there to direct the press on the right step to follow. Despite the chain around the journalists' neck, hand and feet, Nwolo (2011 p.9) still sees Nigerian Journalism as the most vibrant most daring, most ubiquitous and most professional in the African continent but he has a piece of advice for the journalists - that they need to do more to sustain our democracy and foster national unity.

#### Recommendations

- Government must give the journalists freedom to perform\* their duties if they must discharge their duties without fear or favour.
- The law should protect the journalists from undue harassment from the government and individuals. To show how journalists are grumbling under the weight of insecurity,



Nigerian union of Journalist pleaded that adequate ^security be given to them as the discharge their duty. (FRCN (4prn) Network News (03/11/11).

- Freedom to disseminate information should not be denied the press for that means denying the public the right to know which the constitution has rightfully accorded every citizen of this nation.
- Since freedom of press means freedom for the people, the press should seek only to publish the truth no matter who is involved for the benefit and development of Nigeria.
- ✤ Journalists should practice journalism according to ethics and rules guiding the profession.
- In summary, Nigerian government should reason with Ezeukwu and Nwanze (1998 p.38) who said that the arbitrary arrest and frequent detention of journalists in Nigeria is inconsistent with the claims of the rule of law" and should be stopped.

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