

Buhari and Decree No.4,1984



Life and Issues with Tunde Thompson

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In his interview by Eric Osagie and Paulinus Aidoghie published in the Saturday Sun as a cover story on December 22, the former Head of State now chairman of the Congress for Progressive Change (CPC), Gen. Muhammadu Buhari, made some comments on Decree No. 4 of 1984 on which one can neither be indifferent nor silent. Although the earlier focus had been on the three drug pedlars executed by the government, the little that the general said about the decree conveyed a totally different impression about the law, which warrants a response in the interest of historical accuracy and the truth.

After seemingly rejecting the idea that the decree was used by his government to gag the Press, Buhari suggested that the Press brought the “Nigerian factor” into the decree. In his own words: “...when people try to get job or contract and they couldn’t get it, they make a quick research and created a problem for people who refuse to do them the favour. What we did was that you must not embarrass those civil servants. If you have got evidence that somebody was corrupt, the courts were there.

Take the evidence to court, the court will not spare whoever it was. But you don’t just go and write articles that were embarrassing. Those who did it, the editors, the reporters, we jailed them....” Considering the fact that the decree was tested only once and involved only The Guardian newspaper and two of its editorial staff (Nduka Irabor and Tunde Thompson), what the general said in that interview amounted to fresh allegations, presented at the bar of public opinion this time around, and not what was tabled before the Decree 4 Tribunal chaired by Justice J.O. Ayinde.

One needs more illumination from the general on who it was that tried to get a job or contract from civil servants and was turned down, and later resorted to engaging in “a quick research” so

as to create problems for them. The decree was applied only once, as earlier indicated, so how could Gen.

Buhari develop the idea that the accused newspaper and its editorial representatives set out to create problems for some unknown and unspecified civil servants then? Obviously, the General is not the same young and swashbuckling officer he used to be and therefore may well have forgotten details of the trial under Decree No. 4 of 1984, which led to financial sanctions against The Guardian and incarceration after some months of detention for its two workers.

That his memory might have failed him during the interview, however, does not mean the readers and future researchers should be given the impression that The Guardian and its men who worked independently on some diplomatic affairs reports, ever sought any favour from any civil servant, or tried to embarrass any of them in the way discussed during that interview. That is pure fiction, simple. Furthermore, there are some procedural and professional matters to which the General ("once a general, always a general," not so?) did not direct his thoughts during the interview.

If, in the course of his or her work, a journalist (reporter or correspondent), comes about some information suggesting that a civil servant or any public officer had been "corrupt", was it being suggested that the evidence should be taken to a court of law by the medium of mass communication concerned? Does the general still think the duty of the Press is to gather evidence for delivery to the law courts rather than publishing in the media (print or electronic)?

And how are we so sure, even if the suggestion of taking "the evidence to court" were to be considered, that "the court will not spare whoever it was" (that had been allegedly corrupt)? We live in an environment in which some well-connected public officers have, within the last decade, obtained ridiculous injunctions against prosecution for corrupt practices, even with all the weight of evidence marshaled by law-enforcement agencies like the Economic and Financial Crimes Commission (EFCC).

We have thus all been told that such persons were and perhaps remain till today "untouchable", as far as prosecution in any of our "temples of justice" is concerned. Suddenly, we have been left in a situation where the law has become a "respector of persons", to such an extent that even probes conducted in legislative chambers have not been followed up with any appreciable results, either there or in the courts of law. There were even reports that a prominent politician had the rare distinction of having his matter bordering on corruption ruled as being beyond the

competence of any court in the country.

It is just a pity that Dr. Nnamdi Azikiwe's warning: "No condition is permanent", is too easily forgotten by such people. It does appear that it is not politically expedient to subject some people to legal scrutiny, even if they went out of their ways to compete with the Central Bank in terms of the monies stashed away in private vaults. All one has been saying is that, contrary to what the general said, journalists are constitutionally empowered to investigate matters of national or public interest, and can go to town with their stories once the issues of libel, truth and fairness had been taken into account in writing and publishing them.

A precedent is the Joseph Tarka/Godwin Daboh and Daily Times corruption allegation between 1973 and 1974; it is one example we should not forget here. When sure of its facts, the medium concerned should publish and the exposed officials or individuals can then go to court, not the other way round. In other words, those tried under Decree 4 in 1984 neither accused any public official of corruption nor attempted to embarrass government and any such thoughts are simply a latter-day rationalization of a regime's peculiar political power management strategy. Put briefly, before assuming power after the December 31, 1983, coup d'etat, the media had reported that a N2.8 billion oil money was missing and as Minister, Gen. Buhari could not have taken kindly to those reports. Secondly, the General may not have forgotten yet that Dele Giwa of Newswatch newsmagazine, once asked him what he thought about press freedom.

The answer he gave (not denied till today), was this: "Press Freedom? What's that? I'll step on it!" Decree No.4 was the first attempt to step on the Press and public opinion by the regime, but it back-fired. Thirdly, Decree No. 4 was not yet promulgated by the time this writer was detained under Decree No. 2, and it took almost two weeks before a world press conference on its promulgation was held. So, why lock up anybody when there was no law yet on the matter? Fourthly, the security organization had wanted to know who gave the information on the diplomatic stories published, as already detailed elsewhere.

They were not obliged with such information, which would have been done against the ethics of Journalism. These are some of the abiding and unforgettable evils of Decree No. 4 of 1984, which nobody can ignore or wish away. Repentance and attitudinal changes are now overdue, not justification of undemocratic actions at this time.