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# THIS DAY

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## MISSILE

### Garba Shehu to Reno Omokri

"My message to anyone who made money using Leah Sharubutu's sad ordeal, and they are flaunting it remains unchanged: This is blood money. I don't need any of it. Period!" --Senior Special Assistant to the President on Media and Publicity, Garba Shehu, in a return salvo, fires back at his opponent, Reno Omokri, in the verbal war.

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## 30 Years in Defence of Relevant Art

It was Nigeria's first professor of Theatre Arts, Eburn Clark, who aptly captured the wider context of the gathering artists and enthusiasts of the arts a fortnight ago. She said those who attended the occasion were indeed "lucky" to be there as such a serene ambience for reflection was not available in some other parts of the country where killings, kidnappings and destruction of property were taking place at that hour.

Professor Clark, widow of the celebrated poet and playwright Professor John Pepper Clark, spoke at a session with the sub-theme "How Did it all Go Awfully Wrong?" at the 23rd Lagos Book and Art Festival (LABAF). With theme *A Fork in the Road*, the festival took place without any special arrangement for the security of the participants and guests who wined and dined after intellectual discussions. Such an occasion would certainly be a luxury elsewhere in the country. The venue of the important festival in the cultural calendar of Lagos, nay Nigeria, was the Freedom Park in central Lagos. The park itself used to be the ground for the old Broad Street Prison built by the colonial masters.

Three books were reviewed at the vigorous session in which Professor Clark made her remarks. They are *Formation: The Making of Nigeria: From Lugard to Amalgamation*, by Fola Fagbule and Feyi Fawehinmi; *The Politics of Biafra and the Future of Nigeria*, by Chudi Offodile and *The Riddle of the Oil Thief*, by King Bubaraye Dakolo, Agada IV, the Ibenananowei of Ekpetiama Kingdom, a first class monarch in Yenagoa Local Government Area of Bayelsa State. King Dakolo himself graced the session with his impressive entourage. In his brief intervention from the floor, the king, a scientist, said the story embodied his novel is the story of a witness to the injustice and inequity visited upon the Niger Delta. Talking about how and when things went wrong, eminent dramatist and poet Professor Femi Osofisan, who chaired the session, posed the pertinent question: are people really making efforts to build a nation? He put the matter like this: nations do not build themselves; it is the people who nations. So it is not enough to talk about how things go wrong. Are there genuine efforts to put things right?

Other sessions of the festival featured discussions on Mentorship, Publishers' Forum, Visual Arts Day, Readers' day, Nollywood Tales, Evenings of Music, Literary Activism Day, Culture Icons Day and Book Trek.

Important statements were also made by some of the guests and participants at the various sessions. In his keynote address at colloquium on the Culture Icons Day entitled *The Choice at the Oritameta* (a crossroads), writer and journalist Kunle Ajibade posited that "we must do less of agonising and more of organising. This will require a lot of hard work and serious thinking. The walk on this road will not be easy. And as we go down this road, we must defy the god of tribalism, nepotism, bigotry, opportunism, crass materialism distractions etc. It will demand discipline and a sense of history."

The foregoing is just a taste of the offers on the typical menu of the yearly book and art festival. Indeed, it was an exception in today's Nigeria rather than the rule to have some persons gathered solely to celebrate books and their authors; works of arts and their creators as well as reflect on the centrality of arts to all-round development.

In materialist terms, the social structure is such that only members of the elite can afford the luxury of devoting quality time to reflect on the arts. Worse still, in the present situation not a few members of the same elite are overwhelmed by their environment; they cannot even talk seriously about arts what with the socio-economic, political and security issues competing for their attention.

So, it is a huge challenge attracting public interest



Dame Taiwo Ajai-Lycett, Veteran Actress and Culture Advocate

to such a festival.

Meanwhile, the point that is seemingly lost on the policymakers and the public alike is that in finding

a comprehensive solution to the multi-dimensional crisis afflicting the nation, arts and culture have a primary role to play. To neglect this reality is to further deepen the contradictions that Nigeria has to contend with in the search for genuine development.

Despite this disabling social climate, the 30-year old Committee for Relevant Art (CORA) has staged the cultural show, LABAF, for 23 years as its flagship programme. Other activities of CORA include Arts Stampede, Arthouse Forum, Lagos Cinema Carnival and the Lagos City Arts Guide. Without the resources and bureaucratic structures of the federal or any state ministry charged with the responsibility to promote arts and culture, CORA has consistently provided the forum for writers, visual artists, artists, producers, art patrons, academics, students, arts aficionados etc. to engage in productive conversations and other interactions.

Far more than officialdom, CORA as an engine for cultural advocacy, has brought into focus the problems and promise of the culture sector. It foresaw the prospects of a lot of the good news in the sector today. Some artists who used to accompany their aunts and uncles to earlier editions of the CORA Arts Stampede have emerged today as bright stars of the art nationally and internationally. A number of creative persons have had their careers shaped on the platform provided by CORA.

This is simply because CORA consciously celebrates creativity by employing the force of examples.

This year's BABAF, for instance, was designed to honour the veteran actress and culture advocate, Dame Taiwo Ajai-Lycett, who turned 80 earlier in the year.

One of the high points of the festival was when Ajai-Lycett read her 2012 essay entitled "Restore, Renew" which speaks poignantly to the reality of Nigeria today. She said inter alia: "The country has spent more than enough decades reviewing and fiddling with our body politic, that to my mind, it is time for action if the professional and political investment in the careers of our leaders of thought are not to turn back at zero risk to all of us. A sense of commitment is called for in order to transform our life into a semblance of stability and sanity, and hopefully, build a feeling of confidence in our people..."

In the last 23 years, leading lights of the of the culture sector, who reached similar milestones were honoured by dedicating editions of LABAF to these creative giants including visual artist Bruce Onobrakpeya, novelist Gabriel Okara, novelist Chinua Achebe, playwright Wole Soyinka, poet John Pepper Clark, playwright Femi Osofisan, author Yemi Ogunbiyi, playwright Ahmed Yerima, literary critic Abiola Irele, literary theorist Biodun Jeyifo, poet Odia Ofeimun, poet Niyi Osundare etc.

Significantly, CORA has provided the platform for the interplay of theory and practice on the issues confronting the art and culture sector. Students are often invited to the mentoring sessions and are encouraged to be part of the conversations.

So, why and how did CORA emerge in the Nigerian arts community? The Structural Adjustment Programmes (SAPs) imposed on African countries in the 1980s wreaked enormous havoc beyond the

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## State Judicial Panels can Indict Military and Police Officers

Femi Falana

As a sequel to the #EndSARS protests last year, the National Economic Council advised all State Governments to institute judicial commissions of Enquiry to probe allegations of police brutality in the country. Based on the advice the Federal Government and 28 State Governors set up judicial commissions of inquiry to probe sundry allegations of police brutality under the applicable Tribunal of Inquiry Laws. However, a few lawyers deliberately set out to obfuscate the issues in a desperate attempt to cover up the massacre of unarmed protesters in Lagos, Rivers, Edo, Oyo and the Federal Capital Territory. Notwithstanding that some of the lawyers had previously appeared in panels of enquiry set up by State Governors they turned round to question the constitutionality of the judicial commissions, albeit on a very shaky legal wicket. I was compelled to intervene by clarifying the state of the law on the unquestionable validity of the powers of the President and State Governors to institute administrative or judicial commissions of inquiry within their areas of jurisdictional competence under the current political dispensation. Thereafter, the Panels which had been set up by the State Governors commenced public sittings.

Thus, some army officers represented by a team of lawyers led by a Senior Advocate of Nigeria appeared before the Doris Okuwobi Judicial Commission of Enquiry, gave oral testimony and tendered documents which were admitted as exhibits

But shortly thereafter, the officers and their counsel withdrew further appearance from the proceedings of the Panel for an undisclosed reason. Based on the fact that many witnesses later gave detailed evidence of the involvement of soldiers in the brutal killing of 99 people and secret dumping of their bodies in the various mortuaries in Lagos State the Panel decided to give the military officers the opportunity to rebut such damning evidence. But having been misled into believing that they are not bound by the Lagos State Tribunal of Inquiry Law the officers ignored the summons. A few months later, the Panel concluded its assignment and submitted a report which recommended the dismissal and prosecution of some military and police personnel for engaging in the extrajudicial killing of unarmed citizens including protesters who were waving the Nigerian Flag and singing the National Anthem on October 20, 2020.

Even though President Buhari had said that he would await decisions of the State Governors on the reports of all the panels of enquiry on police brutality the report of the Lagos State Judicial Commission has been singled out for excoriation by a couple of Ministers who have purportedly rejected it on behalf of the Federal Government. In the highly erroneous belief that the White Paper Committee set up by Governor Sanwoolu could recommend the annulment of the recommendations of the Panel both Ministers have launched venomous attacks on the findings of the body. Curiously, Mr. Festus Keyamo SAN, the Minister of State in the Federal Ministry of Labour and Productivity has said that the Panel was illegal for having the temerity to indict military and police

officers. But contrary to such misleading claim the legality of the Panel instituted by the Governor in accordance with the provisions of the Tribunal of Enquiry Law cannot be challenged on solid legal grounds.

Indeed, the controversy surrounding the legality of any Panel set up under the Tribunal of Enquiry Law of Lagos State was laid to rest as far back as 1987. For the avoidance of doubt, the validity of the law was upheld by the Court of Appeal in the case of *Williams v Dawodu* (1998) 4 NWLR (PT 87) 189 at 212-213 where Akpata JCA (as he then was) held inter alia:

"In any event the Learned Trial Judge was not entitled to enquire into the constitutionality of the Tribunal of Inquiry Law (CAP 135) Lagos State, even if Section 5(e) and 14(2) thereof appeared to be unconstitutional. The Tribunals of Inquiry Law was promulgated on December 4, 1968. Thus, when the 1979 Constitution of the Federal Republic of Nigeria was promulgated as of the 1st October, 1979 the Tribunal of Inquiry Law qualified as an 'Existing Law' under Section 274 of the same Constitution."

It is crystal clear that notwithstanding the enormous powers conferred on the Federal Government under the 1999 Constitution the power vested in the President of Nigeria to set up a Judicial Commission of Enquiry is limited to the Federal Capital Territory. The authority for this submission is the case of *Chief Gani Fawehinmi v. Gen. Ibrahim Babangida* (2003) 3 NWLR (PT 808) 604 at 626 where the Supreme

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## LAGOS WHITE PAPER RIPS APART PANEL'S REPORT ON #ENDSARS

## STATE JUDICIAL PANELS CAN INDICT MILITARY AND POLICE OFFICERS

Court (per Ejiwunmi JSC) held that "...the National Assembly has the power to enact the Tribunal of Inquiry Act, Cap 447 with the limitation that it operates in the Federal Capital only. To this limited extent, the Act is an 'existing law' by virtue of the provisions of section 315 of the Constitution. It must be emphasized that though the Tribunals of Inquiry Act is 'an existing law' its application is limited and has no general application. I need to point out that perhaps this litigation might have been unnecessary if the framers of our Constitution had borne in mind the necessity of ensuring that the powers of each component part of the Federation are carefully set out in the Constitution."

Since the Tribunal of Enquiry Act is not a law of general application in the country it is a dangerous submission to say that only a commission of inquiry instituted by the President is competent to investigate the violations of human rights or murder committed by Federal officers in any State of the Federation. In fact, it is embarrassing that some public officers who had campaigned for the sovereignty of state governments within the Federation before 2015 have turned round to question the powers of State Governments to legislate on matters in the residual list including the Tribunal of Inquiry Laws. It is a matter of common knowledge that before the #endsars protests last year every State Government in the country has been settling up administrative and judicial commissions of inquiry. Some of them include the following:

1. The Justice Kalu Anya Judicial Panel set up by the Military Governor of Lagos State to probe the burning of the residence of Fela Anikulapo-Kuti in February 1978. The Panel blamed the "unknown soldier" for the arson, attempted murder and torture meted out to the occupants of the house including Fela's 78-year old mother.

2. The Niki Tobi Judicial Commission set up by the Plateau State Government in 2003 indicted some police officers for their involvement in the brutal killing of people in Jos.

3. The Uwaifo Judicial Commission of Enquiry set up by the Osun State Government in 2010 indicted police officers in gross human rights abuse. The Panel was set up by Governor Rauf Aregbesola, the current Minister of Interior.

4. The Truth and Reconciliation Commission headed by the Late Justice Kayode Eso set up by the Rivers State government in 2015 under Governor Rotimi Amaechi indicted Federal security agencies for not curbing cultist attacks in the State. Mr. Amaechi is the current Minister of Transportation.

5. The Garba Judicial Commission of Enquiry set up by the Kaduna State Government in January 2016 indicted the senior military officers who superintended the illegal killing of 348 Shiites in Zaria and the secret burial of their bodies in a mass grave in Mango in Kaduna State. A London based human rights body had dragged the Federal Government to the International Criminal Court

over the refusal to prosecute the military personnel including a General who were fingered in such crime against humanity.

It is therefore submitted that the military and police personnel indicted for murder and allied offences are liable to be prosecuted by the Attorney-General of Lagos State as the Attorney-General of the Federation lacks the power to prosecute any person accused of committing state offences. Not too long ago, the Lagos State Government prosecuted the military and police officers including a former Chief of Army Staff and a former Police Commissioner for murder and allied offences which occurred in the State under the Sani Abacha junta. Vice President Professor Yemi Osinbajo SAN who led the prosecution team was the then Attorney-General of Lagos State. On July 18, 2012, the then Lagos state Governor, Mr. Babatunde Fashola SAN arrested a military Col. Ki Yusuf and Staff Sergeant, A J Adeomi for driving on the Bus Rapid Transit (BRT) lane on Ikorodu Road contrary to the Lagos State Traffic Law. Mr. Fashola SAN is the current Minister of Works and Housing.

Realising that the Federal Government is not competent to prosecute federal officers indicted for torture and extrajudicial killing of suspects and other citizens the National Economic Council has directed that the reports of all the #endsars panels be submitted to the State Attorneys-General. As far as the law is concerned, the Okuwobi Judicial Commission of Enquiry did not breach any law in recommending that military and police officers be sanctioned for engaging in the egregious infringement of human rights of innocent people in Lagos State. No amount of empty magisterial arrogance of Messrs Lai Mohammed and Festus Keyamo SAN can be substituted for the findings of the Panel. Therefore, the military and police officers who are dissatisfied with their indictment may wish to approach the High Court for legal address. But it is going to be a tough legal battle since the indicted officers had denied themselves the opportunity to defend themselves against allegations -of involvement in the brutal murder of 99 citizens.

Finally, the late Chief Gani Fawehinmi SAN was arrested and detained by the Ibrahim Babangida military junta over his campaign for the prosecution of the killers of a prominent journalist, Mr. Dele Giwa by parcel bomb in Lagos on October 19, 1986. In like manner, Mr. Festus Keyamo SAN was arrested and detained by the Olusegun Obasanjo administration over his role in the struggle for the trial of the people believed by him to have been involved in the brutal assassination of a former Attorney-General of the Federation and Minister of Justice, Chief Bola Ige SAN on December 23, 2001. The young members of the #endsars movement who are demanding for the arrest and prosecution of all military and police officers involved in the massacre of unarmed protesters under the Buhari administration should be encouraged and supported by all genuine patriotic forces.

## 30 YEARS IN DEFENCE OF RELEVANT ART

socio-economic sphere (such as the shrinking of the middle class and widening of inequality). The negative effects of the components of the SAP were also felt in the cultural and intellectual sectors – funding of public education was reduced and the production of knowledge was downplayed in the policy arena. The economic climate was abysmally unfavourable to publishing. Books and artworks were not listed among the "essential commodities." Important segments of the society were reduced to cultural deserts. For instance, the Harare Book Fair, which was a huge cultural attraction to Robert Mugabe's Zimbabwe in the early days of independence had lost its colour by the end of the 1980s. In Nigeria, the necessary investment in culture and the arts was not considered a priority of economic management. Meanwhile, the debate over the appropriateness of "art for art's sake" in the post-colonial setting raged among writers and literary theorists. The regular conversations on these trends among some journalists and artists and enthusiasts metamorphosed into the idea of CORA. Among the originals of CORA are Toyin Akinosho, Yomi Layinka, Jossy Ogbuanor and Tunde Lanipekun. The initial programme of CORA was the organisation of Arts Stampede at the Festac Town family residence of Akinosho in Lagos. Various themes on art forms were explored in these periodic gatherings over groundnuts and palm wine. The stampedes have been moved at different times to the National Theatre in Iganmu, Lekki, Ajegunle and other parts of Lagos. It was even once held in Ibadan, Oyo State.

Akinosho, a geologist and publisher, was joined later by Jahman Anikulapo-Kuti, Culture Advocate and former editor. The duo constitutes the dynamo of CORA.

The evolution of CORA is a study in the unwavering commitment to a cause and clarity of purpose on what is to be done. Unlike the amorphous structure of the early days, CORA now has a board chaired by distinguished art patron and businessman Chief Kayode Aderinokun and a board of trustees headed by the Festival Honoured Guest this year, Ajai-Lycett. Another sign of promise in the profile of CORA is the increasing role of younger elements such as promising artists, advocates and enthusiasts. They feature as volunteers in running

programmes. Some others stage performances and engage the older elements intensely in conversations as panelists. It is more than a cliché to say that they are the future of CORA.

It was, therefore, most fitting that some time was devoted at the 2021 LABAF to reflect on the development of CORA as a national institution in its own right. Aderinokun, an author, provoked not a few thoughts as he sought to establish the "nexus between arts and development." He unapologetically made a case for the "prosperity of the artists." He suggested that instead of begging for funds institutions of the arts should seek collaboration with the corporate world. Aderinokun challenged CORA and its supporters to think more seriously about revenue generation to fund its great programmes.

Ace broadcaster Layinka, who was the pioneer chairman of CORA, challenged CORA to take the documentation of its history more seriously. He proposed the structural transformation of CORA so that it could relate to the corporate world on a "transactional basis." Layinka seemed to strike the same chord as Aderinokun in advocating that CORA should set the agenda for the transformation of arts from "a vocation into a business." Ajai-Lycett also put the matter bluntly: "there is no business without show business."

In his characteristic modesty and crave for anonymity, Akinosho, who first raised the idea of CORA with Layinka in Festac Town, Lagos, in 1991, was reluctant to talk about how the idea has germinated and blossomed. Akinosho, the inimitable enthusiast of the arts, was persuaded to tell the story of CORA, which he briefly put as "a work in progress." He clearly defined the political and socio-economic moment in which CORA was born. For instance, he said in the military days of the 1980s, "literature was reduced to poetry."

As demonstrated by the themes of the sessions and other activities of the 2021 book and arts festival, CORA continues the advocacy for relevant art by situating artistic production within its socio-economic and political ecology.

In this respect, a special forum would be necessary to project into the future of CORA as a silver lining in the cultural cloud.