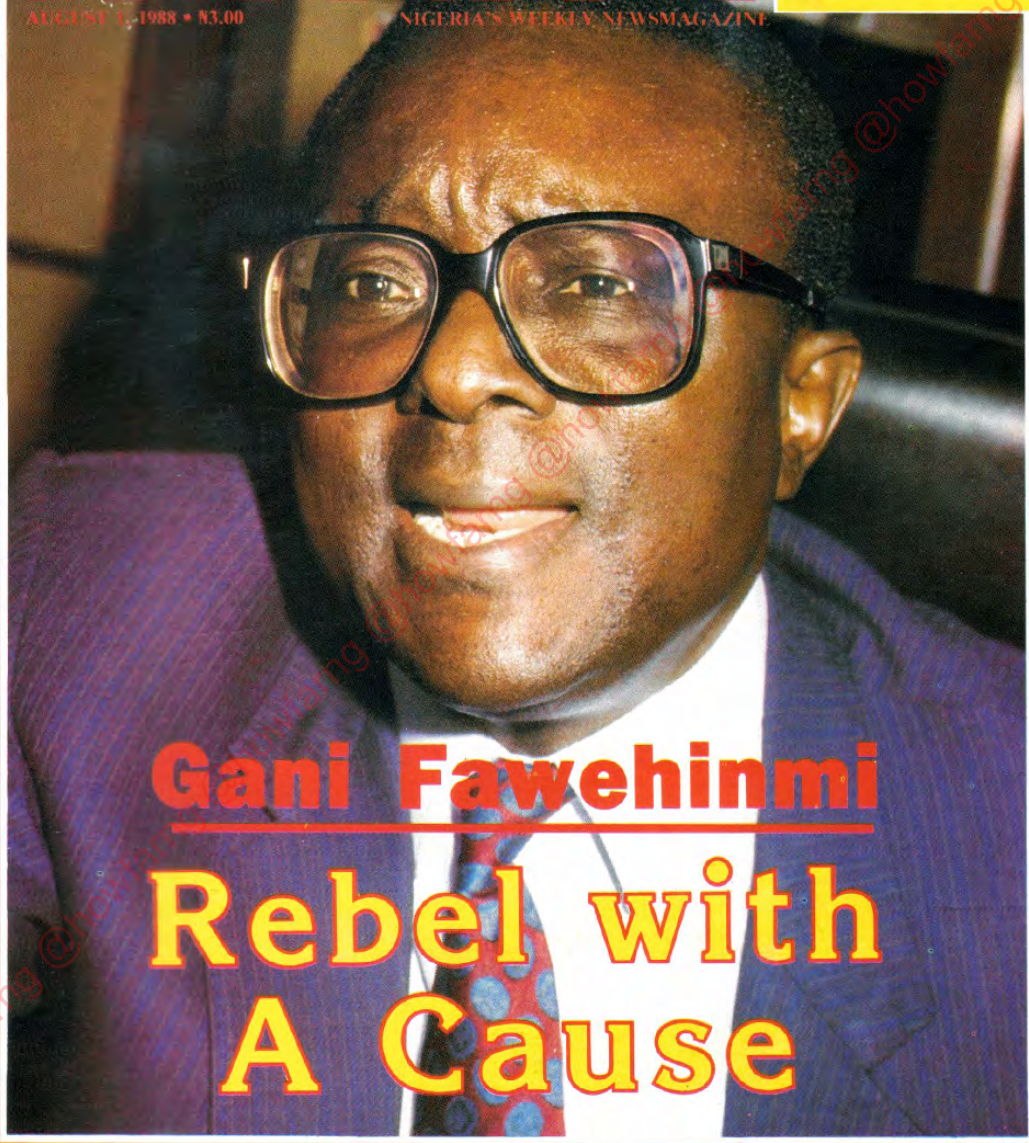


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NIGERIA'S WEEKLY NEWSMAGAZINE

**Local
Governments:
Fight Over
Juicy Morsels**

A close-up portrait of Gani Fawehinmi, a Black man with short hair, wearing thick-rimmed black glasses, a white shirt, a blue and red patterned tie, and a blue suit jacket. He is smiling slightly and looking towards the camera. The background is dark and out of focus.

Gani Fawehinmi Rebel with A Cause

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Nigeria

Newswatch, August 1, 1988

COVER

In the Vanguard of Justice

Gani Fawehinmi, lawyer, author, activist, is a rebel with a cause



Fawehinmi arguing a case: A cardinal form of expression for his resentment of injustice

A little before midday, Wednesday, June 29, the premises of Court 10, old secretariat, in the Ikeja judicial district of Lagos, were abuzz with lawyers, touts, clients, journalists and securitymen. Ganiyu Abdul Oyesola Fawehinmi, better known as Gani Fawehinmi, 50, in a dark blue suit, emerged from Court 10 with Olu Onagoruwa, his lawyer and friend of 19 years. The two men were accompanied by some lawyers from Fawehinmi's chambers, his personal assis-

tant and a few other friends. Fawehinmi was leaving the court a free man, having met the conditions of bail granted him by Justice Oludade Oladapo Obadina. Fawehinmi had appeared before the judge on a charge of criminal defamation. The prosecution alleged that he caricatured, in the March 7, 1988, issue of *African Guardian* magazine, the verdict of Justice Eniola Longe clearing security chiefs Halilu Akilu, a colonel and director of military intelligence, and Kunle Togun, lieutenant-

colonel and deputy director of state security service, SSS, of the alleged murder of Dele Giwa as "a pre-arranged collusion between the trial judge, the Lagos State attorney-general and the director of public prosecution."

Onagoruwa drove off but as Fawehinmi made for his car, he was suddenly attacked by a man he described as the replica of world heavyweight champion Mike Tyson. The assailant wore *sokoto* and *buba* made of cheap *ankara* and, according to



Onagoruwa: A loyal friend



Williams: Non ideological

reliable sources, he is fluent in Hausa, Yoruba and English. As he felled Fawehinmi with blows, the man poured a stream of invectives on him, saying: "For years, you have been attacking our president; you've been abusing the president. We know you're planning a coup. All your cases are made for coup. We have heard about your plan to stage a coup. Plotting for a coup, that is what you're doing. We will deal with you. We will kill you. There is nothing your lawyers and the Nigerian Bar Association can do about it."

Fawehinmi was saved from further punishment by the sliding tackle of Anefiok Ekenyong-Okon, Fawehinmi's 23-year-old, slim-built personal assistant. Okon, dusting up his old lessons in judo, chopped down the assailant. Plain-clothed securitymen came to the rescue of the assailant. Order was later restored by



Gani, Ganiat and children

Obadina's armed police orderly.

Fawehinmi was surprised when the securitymen insisted that he should lodge a complaint to the police. He declined. But when he wanted to leave, he was told that he could not because Bukar Biri, an assistant police commissioner in charge of Ikeja zone, wanted to see him, Okon and Adeleke Sanusi, a 26-year-old lawyer in his chambers, along with the assailant.

Fawehinmi told *Newswatch* that this did not come to him as a surprise. He said that he always has a premonition of trouble. That morning, just before he went to court, he experienced "some heavy, funny feeling" — the tell-tale signal. As usual, he "looked into this room twice, that room twice and gave instructions."

When he was taken before Biri, he was surprised that his assailant was on familiar terms with the police boss. Fawehinmi said that Biri was into some game and that the police officer asked him and his group to write their names down. Biri handed the list of names to the assailant who, after studying it, wrote down his name as Oseni Sanusi.

Fawehinmi maintains that his assailant merely lifted his purported name from that of his (Fawehinmi's) lawyer, Adeleke Sanusi, which was on the list Biri gave him. This, Fawehinmi insists, is more so because the address of 62 Awolowo Road, Ikoyi, which his assailant gave, was an undeveloped plot.

Fawehinmi and his aides were asked to make statements. But his assailant declined to make a statement, saying he did not come with his reading glasses. He was taken to another room where Biri ordered that he should dictate it to a policeman. He was away for one hour.

Biri then charged the four men with a breach of the peace. They were to be detained. Fawehinmi protested vehemently. Onagoruwa, who had been alerted of the twist of events since he earlier left for his chambers, had rushed back to Biri's office and was witness to what he characterised as a "shocking spectacle." He told Biri that, as Fawehinmi's lawyer, he disagreed with his intention to compulsorily clamp him into detention without the option of bail. According to Onagoruwa, the offence with which Fawehinmi was being held, if proved in court, carries only a month im-



Sadiat: Gani not a dictator

prisonment or a fine. Biri listened coolly but refused them bail.

Fawehinmi said that Biri's behaviour was in line with a determined plot to put him away in detention at all cost. He said Oseni Sanusi, his assailant, confessed before Biri that he attacked Fawehinmi because he was insulting the president. Said Fawehinmi: "The assailant told Biri: '*Ranka dade* (Hausa for may you live long), leave me to deal with this useless man.'"

The four men were taken to Onikan police station, Ikoyi, and were locked up in one cell. Fawehinmi, sensing that Oseni Sanusi was to be locked up with them, protested to no avail. Then he told the police officer in charge that he was certain that the authorities had hatched a plot to eliminate him but assured that if Oseni Sanusi was set up to bring this about, he should expect the corpses of all the four of them.

Fawehinmi drew his battle plans against Oseni Sanusi. He gave his personal assistant, Okon, and lawyer Adeleke Sanusi instructions on how they would attack in the event of renewed hostilities. He himself would use his buckle and his shoes as weapons. He removed his jacket and folded it into a pillow and laid his head on it.

As his mind reflected over his battle plan, he thought about the end of his sojourn on

Nigeria

earth, about his family of two wives and twelve children, for whom his will had adequately taken care of. His only source of sadness was the law centre he had completed plans to build. As a predator, he mused on this philosophy and came to the conviction that if he died that night, then he was not destined to build the dream law centre. Before long, he fell asleep because "age and the rigours of my ordeal told heavily against me."

Thursday, June 30. Early in the morning, Fawehinmi and his cell mates were driven to Biri's Ikeja office, some 25 kilometres away. Biri did not see them before they were later arraigned before Obafemi Awolowo Way, Ikeja, chief magistrate court where Fawehinmi and the other accused persons were granted bail. No one stood surety for Oseni. He simply walked away from the court into freedom.

Fawehinmi was not that lucky. As he made to go, he was promptly arrested and whisked away to Panti Street criminal investigations department, Yaba. This time, he was brought before assistant commissioner of police Odubela, who told Fawehinmi that he and his second wife, Shadiat, were alleged to have attempted to burn down his (Fawehinmi's) 28 Sabiu Ajo Crescent, Surulere, home. Fawehinmi hit the roof.

A week before his ordeal in the hands of Oseni Sanusi, eight hefty men broke into that home early in the morning, armed with jerrycans of petrol. They smashed the glass door but before they could torch the place, Fawehinmi's wife raised an alarm. Two of the men were arrested by the 15 guards on duty and taken to Bode Thomas police station, from where they were said to have been transferred to Panti Street CID, Odubela's own territory. Up to the time he appeared before Odubela, Fawehinmi was yet to know how far investigation into the matter had progressed. Now, for the police to turn around and accuse him of attempted arson of his own house was, for him, the limit.

Fawehinmi: Tell me, what am I supposed to achieve with burning down my house?

Odubela: Ah, to embarrass government, of course!

Fawehinmi (shouting): How can a government be so stupid as to think that I and my wife will arrange to burn down our children, roast them alive, burn the books there worth over one million naira? Where are the men we arrested? I want to see them. I am prosecuting government officials for murder. When fact is fact, what is the embarrassment? Is it today that they have been after my life? I have deposited my will since November 3, 1986. So, how can I now arrange to burn down my house with a view to impressing the public that they are going to kill me?

Fawehinmi said unprintable things about the government. Odubela cut him short and called in Onagorua to arrange bail for his friend. Fawehinmi told *Newsweek* that he was granted bail in his own recognisance. He said he found this intriguing because the offence he was threatened with carries a

penalty of 20 years imprisonment on conviction, yet he was refused bail for affray which draws only one month imprisonment.

The same day, Fawehinmi went to the Institute of Advanced Legal Studies, University of Lagos, where his new book, *Bench and Bar in Nigeria*, was being launched that afternoon. More than one hour behind schedule, Fawehinmi still received a standing ovation that shook the conference hall for minutes. He savoured that moment of triumph. There were justices Adenekan Ademola and Francis Awogu of the court of appeal, Itse Sagay, a professor of law and close friend of Fawehinmi who reviewed the book, Alao Aka-Bashorun, president of the Nigerian Bar Association, NBA, delegations of some northern states' judiciaries and prominent lawyers. Everyone who had the privilege to speak praised the book and its author.

Fawehinmi told *Newsweek* that the

Supreme Court ruled in his favour.

The Supreme Court decision has since created more problems for him. He said both legal and extra-legal means have been officially employed to stop him. In just six and half months, the court cases he is saddled with, arising from the Dele Giwa murder affair, has risen to 25. They are pending in high courts, the court of appeal and Supreme Court.

At the extra-legal level, Fawehinmi says he faces "government harassment and intimidation." He said in the early days of his crusade to prosecute the security bosses, a helicopter flew very low over his Anthony village chambers on a mission to expressly intimidate him. He said when the chopper hovered over his chambers, telephones and other electronic gadgets vibrated strangely, indicating, according to him, that something sinister, including bugging his



Giwa (left) a major subject of Fawehinmi's (right) brushes with security agencies

security agencies and government were beginning to be jittery over whatever he does. According to him, his incarceration for 24 hours just before the launching of the book was a calculated attempt to abort it. He said, even so, he was not surprised because the battleline between him and the authorities had long been drawn.

What is the bone of contention? Why is Fawehinmi "confronting" the government? His brushes with the authorities, at least in recent times, began in 1986 when Dele Giwa, first editor-in-chief of *Newsweek*, was murdered, October 19, through a parcel bomb at his breakfast table. Fawehinmi, a friend of Giwa, went to court asking for the right to prosecute security chiefs Akilu and Togun for their role in the murder. When he lost his case in the high court and the federal court of appeal, Fawehinmi went on to the Supreme Court. On December 18, last year, the



Akilu

Togun

communication lines, was being attempted.

He said sometime in August last year, he was beaten up by naval ratings along Airport Road, Ikeja. The men had accused him of not moving his car off for them in a traffic bottleneck.

Thursday, March 17, this year, a strange man who "posed as a law student amongst 48 law students on attachment from the Law School, was found out (in the chambers) and when searched, was wearing two pairs of trousers —, the inner trousers bore the number of the state directorate of intelligence and investigation, SDII No. MD 243.

By May 2, barely a month and half later, his night guard, Abubakar Gambo, was knocked down by an unknown person near Oshodi market. Five days later, Emmanuel Eziohuru, Fawehinmi's gardener, was knocked down near Fawehinmi's house by a vehicle which Fawehinmi claimed belonged to the SDII attached to Panti police station. The police officer involved was one Chibuzo Onuoha.

The spectacle of horror took a turn for the worse July 15 and 16, the weekend Fawehinmi planned to visit his hometown, Ondo. His mother had, a day earlier, come to Lagos, thus aborting the scheduled home visit. He said eight men, armed with diggers and axes, climbed the roof of his



Adegoke: Gani even stones own mother

20 Gani Fawehinmi Street, in Ondo, and tore through the ceiling into his empty bedroom. Neighbours were alerted and the police came armed with guns and teargas. Two of the men were arrested. One of them had attempted to jump down from the ceiling and broke his leg.

Fawehinmi remembers June 10, this year, as a special day. He said that 165 armed policemen, accompanied by 30 SSS men in different groups, invaded his chambers, his Surulere home and his law publishing company at 90 Lewis Street, Lagos. "They searched everywhere in the three places and took away 496 copies of the book, *Murder of Dele Giwa*, the right of a private prosecutor, and 1,425 copies of a booklet written by Segun Okeowo, radical student

leader of the late 1970s. Fawehinmi was later locked up at Alagbon Close police station on the ground, according to him, that "the book on the murder of Dele Giwa was capable of bringing down the government by inciting the generality of Nigerian people." He was released next day.

Fawehinmi told *Newsweek* he reported all cases of attack on his home and family to the police. Where the attacks came from securitymen, he goes to the press.

Police refused to discuss this. At the Panti Street CID, Yaba, *Newsweek* was told Odubela was not at his seat. Even if he were, an assistant police commissioner said, "we can't talk to you on Gani Fawehinmi or any issue for that matter. See police PRO. I am through with you. Bye."

Biri said that he had made a report on the Fawehinmi case to state police headquarters, Oduduwa Street, Ikeja. He advised that the appropriate place to discuss the matter is the police PRO's office "because we are not authorised to talk to the press." Osita Uzochukwu, the police PRO, said that he had not received Biri's report or any other on Fawehinmi.

Fawehinmi's unrelenting opposition to government over what he considers the latter's "obnoxious actions" began almost two decades ago. In 1969, he took on adultery against Andrew Obeya, then the secretary to the now defunct Benue-Plateau State government. Obeya was alleged to have seduced a married woman, Hannatu Abashe, whose husband was a factory hand in Jos. Fawehinmi said when the case began, the late Governor Joseph Gomwalk and others entreated him to withdraw but that he refused. He was later charged with bringing some arms to Pankshin local government area. He was detained and transferred from one prison to another in the north for seven months. Fawehinmi was then just 31. He received news of the birth of his first son, Mohammed, in detention.

When he returned to Lagos in 1970 to put together his shattered legal practice, he was already convinced that too much coercive power lay in the hands of government. He resolved that from then onwards, he would always be on the side of the masses, of the poor. That resolve did not take long to be tested. In 1971, he collided with "Black Scorpion" Benjamin Adekunle, now a retired brigadier, who detained one Amos Ayodeji. Fawehinmi fought for and secured Ayodeji's release through a Lagos high court. Adekunle retaliated by detaining Fawehinmi himself.

Between then and 1978, when he was charged and held for inciting the Ali-musto student riots in which some university students were killed, he tackled the Minere Amakiri case. Amakiri, a journalist, was shaved and horse-whipped for publishing a story in the *Nigerian Observer* of a teachers' strike in Rivers State. The story appeared on the birthday of state governor, Alfred Diete-Spiff. Fawehinmi won the case. He was commended by the trial judge, Ambrose Allagoo.

There were other cases involving students (of Ibadan and Benin universities) and the Okrika riots. Most of the class-oriented cases in which he rooted for the underdogs

were landmarks judgments. Among them were those of the late Dele Giwa and Ray Ekpu, both then of the *Concord* group. Giwa was charged with publishing classified matter, the content of a communication between the inspector-general of police and the federal attorney-general. He was refused bail. Ekpu was charged for murder for warning in his column that at the rate public buildings were being set afire to cover up criminal tracks, NCOM House could be in danger. Shortly after, NCOM House was so torched. Fawehinmi successfully defended both men.

One word that features in all of Fawehinmi's crusades is "injustice." His saying no to injustice and revolting against the system are as old as Fawehinmi himself. His reminiscences of his early life show a childhood of rugged rascality. He feared no bully though he was, for most of his early years, very small. Although his father had 50 children, Fawehinmi commanded family attention through trouble-making. His school fees were the first to be paid in order to stop him from making trouble.

His mother and first wife, Ganiat, say that radicalism runs deep in the family. Segun Adegoke, a former commissioner in the last civilian regime in Ondo State and a lawyer who once worked in Fawehinmi's chambers, said that as a child, Fawehinmi took to the streets whenever he had disagreement with his mother. Sometimes, he resorted to throwing stones, even at the mother.

After his secondary school education in 1958, Fawehinmi worked as a filing clerk at the Lagos High Court and, later, at the Nigerian Ports Authority, Lagos, as a tally clerk. He went to Britain in 1961 to study. While in Britain, his father, a timber magnate, died. Fawehinmi remembered the period as one of abandonment by relations and friends alike. He managed to finish his law course through great privations. In January 1965, he was called to the bar.

He was an average student. He passed in division three in his school certificate examinations. He obtained average grades in his advanced level papers. His law result was even worse. He made an ordinary pass. But on his return to Nigeria, nothing remained ordinary any more. His sufferings in Britain on the death of his father created for him a deep consciousness of the sufferings and problems of the poor. He came home determined not only to fight against the economic deprivation of his years in Britain, but also to pursue the defence of the interests of the poor. His annual scholarship awards to poor students is evidence of his commitment. It has shaped his perception of, and relationship to, law and legal practice. He says that in this, he reaches out to one Justice Abbot whose first name he does not remember. Said Abbot: "My constituency is law; my vision is social justice." In playing Abbot, Fawehinmi is uncompromising on principles, no matter who is involved.

His relationship with his professional colleagues in the Nigerian Bar Association, NBA, is as volatile as the one with the

authorities. In 1986, his volume 2 of the *Nigerian Constitutional Law Reports* was advertised in the March 23 issue of *West Africa* magazine. The magazine advertisement described Fawehinmi as "the famous, reputable and controversial Nigerian lawyer." The disciplinary committee of the NBA, headed by Richard Akinjide, then federal attorney-general, requested Fawehinmi to show cause within 14 days why he should not face the NBA's disciplinary committee. Rather than reply the NBA, he went to court, arguing that the committee, where the attorney-general was both the judge and the accuser, could not be fair and pleaded that the NBA be stopped in its disciplinary measure.

Fawehinmi won all the way to the Supreme Court.

In 1984, Fawehinmi had another brush with the NBA. The association had ordered all lawyers not to appear before military tribunals because they were headed by military officers instead of judges. Fawehinmi disagreed. He told *Newsweek* that the NBA was merely trying to protect class interests because many of the clients of lawyers in the political era were politicians, some of whom were also themselves lawyers. He argued that the widespread corruption of the Second Republic called for a drastic remedy.

He defied the NBA and went on to defend Peter Obasa, former director, Na-

tional Youth Service Corps, NYSC, who was accused of corrupt enrichment. Fawehinmi said although he was opposed to corruption, he needed to defend those charged before the tribunal in order to put muscle to his opposition to the stand of the NBA. He said in the case of Obasa, there were areas where the prosecution went beyond the law. He argued in favour of his client but where there were clear cases of corruption, he declined to defend him, a role which he said, drew the admiration and commendation of the military tribunal chairman.

Although a brilliant lawyer, Fawehinmi has been repeatedly denied of being conferred with SAN title. He said that having

Rise Up and Work

From sunrise to sunset, Fawehinmi breathes only one word: work

In the early hours of Monday, July 4, the cock crowed, heralding the dawn of a new day and the beginning of the rendezvous of millions of Nigerians with their appointed fates. For Gani Fawehinmi, it was a day just like any other, except that he had to appear in court in respect of one of the 25 cases resulting from his efforts to prosecute two security chiefs, Colonel Halilu Akilu, head of the Directorate of Military Intelligence, DMI, and Lieutenant-Colonel Kunle Togun, deputy director of the State Security Service, SSS, for their alleged involvement in the murder of *Newsweek* founding editor-in-chief, Dele Giwa.

He rose from his king-sized upstairs bedroom in his Ikeja residence at 6. The bed, as usual, was a riotous mess with several law books, newspapers and periodicals littering it. They always compete with him for space on it and Fawehinmi always loses — the books are the nourishment for his fertile brain, invariably febrile with court strategies and tactics and never shrinking from taking imaginative leaps in plotting precedents and constructing his famous legal pyrotechnics.

As soon as he got out of bed, he performed the *al-subuhi*, one of his early morning religious rituals. It lasted only two minutes; he thanked Allah for all He has blessed him with. He then began his toilet chores. By 7.30, he was ready, nattily dressed in a dark-greyish suit. Downstairs, a pot of black coffee, prepared by his faithful personal assistant, Okon, was already on the modest dining-table which struggles for attention in the sitting-room with some nondescript pieces of furniture and tens of cartons of materials for his next law book.

Fawehinmi's life style is, to put it mildly, extremely spartan. He is a teetotaler but he loves beverages, particularly coffee and tea: the latter he uses to function effectively within the ambience of the maddening intensity that pervades his chambers in Ajao Estate, Anthony Village; and the former to get his adrenalin pumping in readiness for a tough case in court.

This morning, he took a couple of cups of black coffee, savouring its strong aroma and prepared finally to commence his triangular movement — from the house to the court, to the chambers and back to the house every working day without fail, except when he travels out of Lagos.

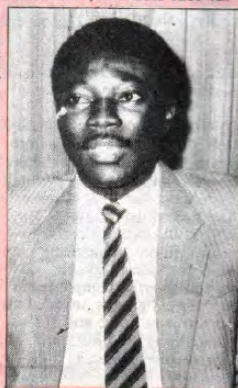
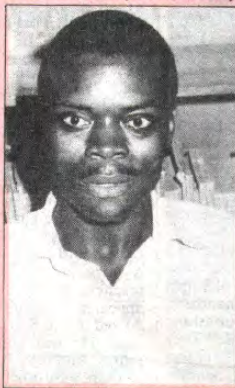
Wherever he goes, Okon goes. The two, joined by a lawyer from his chambers, entered his dark-green Peugeot 505 saloon car at 8.30. Their destination was Ikeja High Court number 5, where Justice Samuel Ilori presides. Scheduled for hearing was one of the several libel cases instituted against him by Akilu and Togun. But the hearing did not take place. Ilori had started his annual vacation and a new date was fixed for September.

With the new date settled, Fawehinmi chatted briefly with some

of his colleagues. He hardly ever gets the chance to interact with any of them. He usually exchanges pleasantries with them before and after court proceedings. Having done just that, he left for his chambers. He was scheduled to travel out to Singapore that night to conclude arrangements for the printing of the first series of his planned 50-volume Supreme Court law reports, a project he is investing N7.2 million in relentless pursuit of his crusade for "democratisation of the country's legal system."

He arrived his chambers at 10 and immediately called a meeting with four of his lawyers. The only agenda was a review of pending cases the chambers is handling. The meeting was interrupted intermittently by the insistent ringing of his state-of-the-art telephone. The same model sits atop every table in the chambers. The conversations were mostly brief but pleasant. Many of the callers sympathised with him for his latest tribulations with security agents and expressed support for his cause. Occasionally, he broke into a robust laughter that seemed to well up from the inner recesses of his soul. The sound had overwhelming presence, conveying through the cavernous office the confidence of the man who seems to have the whole of his world firmly in his hands.

At 11, he convened another meeting to review more cases. The relevant files were called for and he gave specific instructions to each of the lawyers. Suddenly, his smooth, cherubic face fur-



Okon, Oyetibo: Supporting a worthy cause

devoted his entire life to the practice of law, he would have loved to be a SAN. But under the present dispensation, he does not desire it. Segun Adegoke said that Fawehinmi more than deserves the award but added that SAN or no SAN, Fawehinmi "is undeniably the senior advocate of the masses, SAM, in this country."

Fawehinmi's advocacy is a product of hard work. The preparation is painstakingly meticulous and thorough. When big cases are at hand, he holds mock trial sessions in his chambers. They are said to be more exacting than those in the real court. Presentation of the case itself is an art in which Fawehinmi is well-practised. He insists that the lawyer's language must be edifying. He compares himself in court to a general in

the battlefield. He works on his opponent, psychologically terrorises him through a combination of artful drama and brilliant presentation. The judges themselves are not spared. He researches into their past judgments and through a skilful presentation of their position, puts them in a situation that is often difficult to back away from.

In law, Fawehinmi has achieved great success. He says that whatever he touches is a success. "I have a Midas touch," he told *Newswatch*. Today, his law business is divided into two, the chambers and the Nigerian Law Publications Limited. The chambers has 385,000 volumes. The operations of the two companies are computerised. He has published 27 books including six volumes of the *Nigeria Constitutional Law Reports*, three volumes of the

Supreme Court of Nigeria Law Reports and 10 volumes of the *Supreme Court Digest*. In addition, he has published 80 volumes of the *Nigerian Weekly Law Reports*.

So, how much is Fawehinmi worth? "My law business is a million naira business," is all that he would say. A glimpse of what he is worth may be gleaned from his annual personal income tax which was N32,000 for 1987 and N27,000 for 1986. The books in the chambers are insured for N3 million, those of the Nigerian Law Publications, N9.2 million; the chambers' buildings are insured for N1.5 million and the computers well over N4.5 million.

For the future, he plans to build a law centre for N25 million, the largest of its kind in the country and perhaps in Africa. Some

rowed into barely visible lines and he addressed one of them with measured sternness. It was a cross between an exhortation and an order deliberately designed to have maximum impact. "You must cite all the legal authorities and present all supporting evidence and documents on the case. I don't want to hear, 'I didn't get this or that.' If you make any mistake, I'll be very bitter." And that brought the meeting to an end.

Then he beamed at one of the *Newswatch* reporters, who suggested that he is a "dictator." "I am," he declared with childlike innocence, "but I get things done." He said all the 23 lawyers in his chambers are young but hard-working, which is to say that they are imbibing his work ethic — long hours of meticulous preparation for the jobs to be done. The deputy head of the chambers, a 28-year-old legal wunderkind, Tayo Oyetibo, is, according to him, "a genius" who has bested a senior advocate and one of the foremost lawyers in the country at the Supreme Court 15 times so far this year alone.

Fawehinmi is extremely mobile, a sign of his restlessness. One moment, he was on his feet, slicing the air with his hands, a way of putting emphasis behind every word he spoke; the next moment, he was conducting an interview with the *Newswatch* team. "There is no lawyer, who worked in this chambers, who is not doing well on his own," he said.

At 50, Fawehinmi is a bundle of energy but he eats only one major meal a day, which is lunch in the office. Ganiat, his first wife, had telephoned to let him know that his lunch was on the way. At 3 p.m., Okon cleared the conference table in his office and set it for lunch for which he invited the two *Newswatch* reporters and his deputy, Oyetibo. It was quite a spread — two bowls of rice, each covered with a layer of boiled shrimps and two bowls of stew with large pieces of chicken struggling for space in them. He washed down the meal with cold water.

Even while eating, he held court, fielding questions with undiminished enthusiasm on two of his favourite subjects: law and the vagaries of the legal system and the incompetence of government. Every now and then, he asked Oyetibo to amplify his answers, each a complete anecdote of his experiences in the courts and his numerous brushes with the authorities, particularly in recent times.

After the meal, coffee was served. He had Lipton tea. But very often, he drinks Korean Ginseng herbal tea. "It is very good. It purifies the blood and clears the head," he says. He has been drinking Ginseng since 1976.

At 4.30 p.m., it was time for another staff meeting, during which he issued more instructions to some of his lawyers and other key aides. This one was very brief. Thereafter, he spent close to three-quarters of an hour dealing with administrative problems and signing cheques for the chambers. Then he sent for all the law school students on attachment to inform them that he would be travelling out that night and gave them "their new assignments."

Placed by his desk were his travelling bags already packed. He



In Hall of Fame, with lawyers — all in the chambers

would go to the airport straight from the chambers. His flight was scheduled to depart at 9.30 p.m. and he had barely two hours left to go to the airport for the flight formalities. "What if you are stopped from travelling by security agents?" *Newswatch* reporters asked him. Again, the robust laughter. His response conveyed the impression of a man who has banished fear from his psyche. "I'm anticipating it, but I've made alternative arrangements. If they stop me, Oyetibo will get on the next flight and take the materials to the printers," he said.

His book, *Bench and Bar in Nigeria*, is "dedicated to the best values and virtues of the legal profession, which ought to be and must strive to remain the everlasting beacon and dependable bastion of hope, succour, defence and aspiration of the needy, the oppressed, the persecuted, the deprived, the neglected, the ignored and the cheated in our society." This 51-word dedication aptly reflects the essence of Fawehinmi and his cause. And everyday of his life is mortgaged to the struggle for his cause. His parting statement to *Newswatch*: "I'll fight until my last breath."

— By Nosa Igboior

Nigeria

three acres of land have been acquired for this purpose and he plans to add a book publishing firm to the chain. He will throw N7.5 million to the *Nigerian Weekly Law Reports* and another N7.2 million to the ambitious 50-volume *Supreme Court Law Reports*. To ensure continuity, he plans to give 80 percent of the shares of these new businesses and of the law publishing company to UAC, Cadbury and the leading banks "because they have the managerial know-how."

His house in Ikeja GRA is a modestly furnished twin duplex. What it lacks in high taste, it makes up in volumes of books scattered about in three studies and his bedroom. He says N2,000 is enough for his personal up-keep, an amount that may be considered realistic considering that he and his two wives have no social life beyond the confines of their home. At home, he says he is a dictator though his two wives deny it. Though he seeks their opinion, he overrules any opinion that clashes with his own.

Fawehinmi gives low marks to all Nigerian governments since independence but reserves a special place in his heart for Chukwuma Nzeogwu, the major who led Nigeria's first military coup. He is worried by the dwindling ranks of radicals in Nigeria. About 85 percent of them are now

serving in government. He said only three of them—himself, Onagoruwa and Fela—remain true to their convictions. Radical historian Bala Usman worries him by "his unusual silence in recent times."

The legal field is one that Fawehinmi discusses with considerable emotions. He admires the judges of the Supreme Court for their independence and brilliance. The Supreme Court, he says, is the only shining jewel of Nigeria's public institutions because the right men were "surprisingly put in the right place." The late J.I.C. Taylor, a chief judge of Lagos, is a man he credited with great integrity, intelligence and courage. He refused to express his views on serving judges other than those of the Supreme Court.

But in the bar, Rotimi Williams who was called to the bar when Fawehinmi was five, and who he has had to face in his chequered history of legal battles, rates high in his assessment. He describes Williams as prodigiously brilliant and hardworking, but he contends that he stands opposed to him because of the different ways they see law. He says that while he sees law with considerable ideological sensitivity and fights so that it be used to redress social and historic wrongs, Williams is non-ideological and practises law for the sake of law.

What do others think of Fawehinmi? Everyone who spoke to *Newsweek* acknowledges his tremendous energy and industry. They shower praises on his advancing the frontiers of Nigeria's legal practice by his immeasurable contributions in the field of legal literature. His law reports and *Supreme Court Digests* are a rare gem. Justice Andrew Obaseki, of the Supreme Court, Akinola Aguda, a former chief judge and ex-director of the Nigerian Institute of Advanced Legal Studies, Olakunle Orojo, the new chairman of the Nigerian Law Reform Commission, Alao Aka-Bashorun, president of NBA, Babatunde Iborinke, director of the Nigeria Law School, Lagos, and Ayodele Ajomo, the man who replaces Aguda at the Advanced Legal Studies Institute praised Fawehinmi.

Says Obaseki: "He is one of the frontline lawyers, very knowledgeable in law and volume of practice. He presents his cases in court very efficiently and he assists judges in the citation of cases."

Aguda: This is a man who believes in a certain cause and he follows it to the best of his ability regardless of what others think. He is a man that one should really

Through his Eyes

Gani Fawehinmi spoke with *Newsweek's* Nosa Igbohor, senior associate editor, and Onome Osifo-Whiskey, assistant editor, for a total of 20 hours. Below are excerpts:

The murderers of Dele Giwa: I am challenging the government: what happened to the ballistics report? That is where the fear of government lies; they will not allow me to prosecute Akilu and Togun. The ballistics removed some particles and examined them and knew where the particles came from, which unit it came from. I challenge the government today to publish the report. The ballistics was the man who examined the particles and made a report to government. Once that report is published, Nigerians will never doubt me again.

The judiciary: The chief judges assign cases and they are the people who assist judges to be appointed through their own remarks. If a chief judge wants a case won, he knows the judge to send the case to. If he does not want the case won, he also knows the judge to send the case to. That is the problem with our legal system today.

Nigeria: I think because of the terrible contradictions Nigerians are having now, a heart-splitting, nerve-racking poverty pervades the nation. This situation cannot produce a gentleman. Nigeria appears to be moving gradually towards a revolution, unplanned revolution. I see blood, I see tragedy, I see innocent people in trouble. This is the silver-lining I see in the horizon for Nigeria. Nigeria is going to be born the way human beings are born—the blood sprinkles all over his face. That is the silver-lining I see. The cry of joy. Joy, because a lot of blood all over the place, all over our faces. It is a natural thing. If you give birth to a baby, it is a natural thing. After water, then the baby is covered with blood and then it is washed and everybody is happy. It is natural.

Balewa: Balewa merely filled the gap. He was a pantomime in the hands of Sardauna. He was running government as a day-to-day affair and of course he did not succeed.

Ironsi: Ironsi sabotaged Nzeogwu and I condemn him. Ironsi truncated Nzeogwu's revolution and deceived him. Ironsi did not allow Nzeogwu to succeed.

Gowon: Gowon was a kindergarten leader. He was an eagler leader, yes, who now knows more of government mechanism than when he was in government. Gowon did not qualify as a people's leader. He was a leader by circumstance. He had no aura of leadership because he had no vision of what he wanted to achieve.

Muhammed: I didn't understand the philosophy of Muhammed

Photographs by Conrad Akwa





Obaseki

Aguda

praise.

Aka-Basorun: I have regards for him and I am not alone. He is a great asset. He has become part of the history of the legal profession. The only reservation I have about him is that he needs to know how to work within a collective.

Gbemiga Abegunde (chairman, NBA, Kaduna): Gani is the epitome of the best in law.

Other judges over the years have written Fawehinmi to commend him for the same contributions to the advancement of law. Among these judges were Owolabi Kolawole of the Court of Appeal, Lagos; S.O. Ilori, Ikeja high court; K.M. Kolo, chief judge of Borno State; Hasani J. Ono-Eboh, Court of Appeal, Benin City; Anthony Aniagolu then a justice of the Supreme Court; I.L. Kutigi, Court of Appeal, Lagos; Nnaemeka Agu, Andrew

Obaseki, and former chief judge of Anambra State, Emmanuel Araka.

But Fawehinmi is accused of a penchant for publicity. Fawehinmi disagrees. He challenges his critics to be detained 15 times as he has been in his legal career, work 20 hours a day, subject their children and wives to great hazards, visit the doctor every other day for high blood pressure tests, be harassed by the authorities, spend N50,000 every year on scholarships and assist over 600 students as he has done, and finally, democratise the practice of law through various law reports and invest in law as much money as they take from it. "If that is publicity, let them try it," he says.

In his 20 years of criticising government, he has not pretended that he is in search of immediate democracy. Says he: "I would have been a dictator if I am in power. Democracy is a luxury that must follow after enlightened and principled dictatorship has settled the society. In this country, we have not started. For forms of government, let fools and idiots contend but what is best administered is best. If the right dictatorship arrives here and you talk of democracy and if they shackle your hands and legs and they incarcerate you, you don't have my sympathy. I don't want to be a president at the mercy of pressure groups. You have to bargain with this and that group. If I were to be the president of

my dreams, in one hand I would hold a double-sword and in the other, a bag of welfare goodies."

As he uttered these words, news of the attack on his Ondo home was received. Will he soft-pedal? "Never!" His two wives support him. The mother, who says that her son pursues only the truth, says he should continue the struggle for "God is by him." In his chambers, the mood is upbeat. His deputy, Tayo Oyetibo, 28, whom Fawehinmi calls a genius, says that a lawyer owes his client a duty to defend his interest even if it means a lot of controversy. Izebua Akhiden, 22, a female lawyer in his chambers, thinks that "soft-peddling in his crusades is like stopping. He just can't do that. Going on is the only way he knows best."

Fawehinmi himself says that in the struggle, he knows that his life is on the line. "But in these things," he says, "I am a robot in the hands of God. My own will is that already pre-destined. If I die, at least, I want it written on my grave that I came, I spoke against injustice, and I died."

— **By Onome Osifo-Whiskey**
with Nosa Igboer,
Ben Edokeyi, Wale Oladapo,
Austen Oghuma, Soni Ehi
Auelimen, Peter Ishaka,
Está Ezekiel and Israel
Wilson-Akpabio

except staccato retrenchment, sacking and so on. There was no coherent ideological posture. In fact, he had no ideological posture. Muhammed at best was a tough man whose toughness was not based on any coherent philosophy. Time saved him from being exposed in terms of ability.

Obasanjo: It was under Obasanjo's regime that students were massacred in 1978. The persecution of intellectuals in universities was under Obasanjo's regime. Obasanjo did a lot of damage to intellectuals and radicals in this country. I don't trust him.

Shagari: Shagari's policy was based on political, economic and social debauchery. He would stand out as the worst leader Nigeria has ever had... all due to unabashed mismanagement of resources and apparent corruption under his administration.

Buhari: The moving force of Buhari's regime was Idiagbon; the restraining influence was Buhari. It would have been a successful regime if Idiagbon had been the leader and Buhari the deputy. Idiagbon was more of Muhammed's style and Buhari

was more of Shagari's. It was a combination of salad and *unlala*. It was the unity of opposites.

Babangida: Babangida is a Machiavellian to the core. I have studied him and I have read *The Prince*. He is following *The Prince* line by line. He will continue to pose as a military leader but his desire is to be the people's leader. At the moment, the people are not responding to him. Therefore, he is concentrating his attention on the military where the power at the moment lies.

Azikiwe: The problem with Zik is this and that contributed to our problem in this country: in the face of serious principles, he is always ready to compromise, which is not fair to the people of this country. In defence of serious principles, a leader must never compromise. Zik as far as I am concerned, is not a man who can lead the people to battle or war.

Awolowo: Awolowo, in terms of principles, he was the direct opposite of Zik. But the fault of Awo is that he relied more on friendship than ability and that was clearly a weakness. A leader must acknowledge and move with people who can properly execute his philosophy and tell his friends who are not able to stay aside. It was difficult for Awolowo to do that. He put friendship before efficiency.

Ahmadu Bello: He was the best leader the Hausa/Fulani had. Ahmadu Bello was not a national leader. He never pretended an inch to be a national leader. He represented the north, fought for the north, and died for the north. So, the average northerner has a right to worship him and I wouldn't blame them at all. Sardauna was a great freedom fighter. If he had had this national outlook, the man would have been very fantastic.

Nzeogwu: The man changed the course of Nigerian history. Things will never be the same. If he had succeeded, we would never be in this mess. Though he failed, he did change the place. He introduced military intervention into Nigeria. But for Nzeogwu, who will know the generals that ruled this country?

