

# Nigeria: Sowore Versus Buhari, A Question of Revolution and Treason

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*The impending trial in Nigeria of Omoleye Sowore on charges including treason is promising to stir a hornet's nest. Sowore, a high-profile media publisher, was arrested in August of this year because he called for a revolution after the February elections which he claimed were not credible. Himself a contestant,*

*Sowore's seven-count indictment also includes the charge of harassing President Muhammadu Buhari, the former military ruler who secured a second term in office. Speculation is brewing as to what the strategy of the defence team will be: should it adopt one that aggressively asserts that Nigeria is indeed in need of revolutionary change? Or will it argue that Sowore's words were mere rhetoric. The charge that Sowore was harassing Buhari, an ex-military strongman now elderly and frail adds a personal dimension; revealing an animus towards the defendant which has seen him being held in defiance of a court's grant of bail. It should also bring into focus and public debate the irony of Buhari having been the leader of a military regime that overthrew a constitutionally elected government, an act of treason, that led to a hardline government which purposely operated beyond the rule of law.*

Nigeria's political history is replete with treason trials. The trial, during the First Republic, of Chief Obafemi Awolowo and other members of the now defunct Action Group party in the 1960s was the first of its kind and led to convictions for treasonable felony. In 1982, a businessman named Zanna Bukar Mandara was found guilty of conspiring to overthrow the civilian administration of President Shehu Shagari, the man whose government Buhari would depose. Unlike Awolowo, Sowore is not being accused of attempting to import weapons into the country to seize power. Neither, as was the case with Mandara is Sowore being accused of soliciting the help of members of the Nigeria armed forces to aid in a takeover of the government. The trials of military men for abortive enterprises such as occurred in 1976, 1986 and 1990 were of course noted for their secrecy, as well as the executions by firing squad that followed. Sowore is not going to be put on trial for his life, but can expect a stiff sentence like those incurred by his civilian predecessors: [Awolowo](#) was sentenced to a 10-year term of imprisonment and [Mandara](#) to 15.

So how should Sowore and his defence team approach the trial? A strategy which indicts the political system and its leaders would be a risky one, but one which could generate widespread sympathy from the masses. In 1953, Fidel Castro's four-hour speech in court when defending himself after the failed attack on Moncada Barracks ended with the famous words "La historia me absolvera". And Flight Lieutenant Jerry Rawlings, a young Ghanaian airman arrested after an abortive coup in May 1979 put on a defiant performance at his court martial where his powerful criticism of the military regime generated such sympathy from the public and empathy from the ranks of the military that an uprising of junior

members of the armed forces sprung him from his prison cell and overthrew the ruling junta.

Sowore possesses none of the oratorical skills of a Castro or Rawlings. And he does not have a substantive political movement behind him or armed supporters who could threaten the Nigerian state.

But the yearning for a Nigerian revolution is not a misplaced one. Plummeting living standards, mass unemployment among the young, including graduates, poor roads and the rationing of electricity supplies continue to consign minerally and human resource-rich Nigeria to the status of a failed state.

Further than this is the irony of the present Nigerian government prosecuting a citizen for treason when the man at its helm, Muhammadu Buhari was himself an accessory, an instigator and a beneficiary of treason at various points in history. It was Buhari himself who overthrew the democratically elected government of Shehu Shagari and brought to an end the Second Republic. Section 1(2) Chapter I and Part I of the [1979 constitution](#) provided that “The Federal Republic of Nigeria shall not be governed, nor shall any person or group of persons take control of the Government of Nigeria or any part thereof, except in accordance with the provisions of this constitution.” Under that constitution, the role of the armed forces was prescribed as “defending Nigeria from external aggression”, “suppressing insurrection and acting in aid of civil authorities to restore order when called upon to do so by the President, but subject to such conditions as may be prescribed by an Act of the National Assembly”.

The [action](#) on New Year’s Eve in 1983 was in contravention of the constitution.

Buhari had earlier shown contempt for constituted authority when as the Commanding Officer of the 3rd Division, he had cut off food and fuel supplies to neighbouring Chad during a border dispute that also saw him pursue Chadian intruders deep into Chadian territory. His entrance into Chadian territory had been in express contravention of Shagari’s order not to do so.

If an analogy is made with the uprising of junior officers of the Ghana armed forces in 1979, then Buhari’s actions in overthrowing a constitutionally elected government were tantamount to a capital offence, for which he should have ended on the gallows. In Ghana, a number of senior military officers, including three former heads of state, who had served in three military regimes were executed by order of the Armed Forces Revolutionary Council for breaching Ghana’s Criminal Code of 1960, the Armed Forces Act (1962) and the Superior Order Rule attendant to the Armed Forces Regulation.

Certainly under the Criminal Code existing at the time of the Buhari-led coup, the combination of actions inherent within a coup d’etat: conspiracy to overthrow the government (s.41), incitement to mutiny (s.44b), causing disaffection among members of the armed forces (s.46a) and concealment of treason (s.40) warranted the death penalty (s.49a).

It would be remiss not to mention Buhari’s role in the tragic fate of a young Nigerian army officer named Daniel Bamidele. In October 1983, Bamidele heard rumours of a coup plot against President Shagari and promptly reported this to his commanding officer, the then Major General Buhari. Unbeknownst to Bamidele, Buhari was at the heart of the plot and a

week later was detained at a military barracks under the auspices of the Directorate of Military Intelligence. He was released towards the end of November in a state of bewilderment until on New Year's Day, he learnt that Buhari had emerged as Nigeria's military head of state.

Bamidele was earmarked for retirement in the early part of 1984, but Buhari, whose consent was needed to confirm the laying off of those officers who were on the list, crossed out Bamidele's name. In 1986, Bamidele was arrested by the regime led by General Ibrahim Babangida -the man who overthrew Buhari in a palace coup- for concealing his knowledge of an alleged coup plot. Given his previous experience, he had remained silent when criticisms were voiced by fellow officers of the policies of the Babangida regime.

He was executed by firing squad in March of that year.

Buhari, steeped in treason, did try to effect a revolution of sorts in Nigeria as a military rule. He won praise, not only for insisting in an attempt to chart a course which was independent from foreign control, but also one which aimed to change the negative habits of Nigerians. This came through the "[War on Indiscipline](#)" spearheaded by his co-ruler Major General Tunde Idiagbon.

But his rule, initially well-received for its anti-corruption stance, was mired by breaches in civil rights. Then as now, the Nigerian character in so far as pertains to discipline is still lacking. Nigeria's social and economic problems have arguably worsened. Today, the insecurity caused by kidnapping gangs, the Boko Haram insurgency, as well as clashes between Fulani Herdsmen and farming communities around the country has endured despite Buhari's consecutive election pledges to bring order to the country. The economy is stagnating, and just as was the case during his time as a military leader, his respect for human rights has come under question given the brutal suppression of a now proscribed Shi'ite group and pro-secessionist movements among ethnic igbos.

Given these conditions, Nigeria is certainly ripe for revolution. But the permutations of Sowore's perceived revolution such as transferring Nigeria's leadership to a younger generation, the redistribution of national wealth and the tackling of corruption, while laudable, fall short of the sort of revolution which offers Nigeria a salvation from the bondage of the past. Genuine change can only come from a reformation of the mind and culture of its people; something hardly addressed in a substantive manner by Nigerian intellectuals and politicians.

There are no indications that his counsel, Femi Falana, a presumed heir to the legacies of radical lawyers [Gani Fawehinmi](#) and [Tunji Braithwaite](#), will proceed with a bold strategy of justifying the grounds for a Nigerian revolution. It seems unlikely that this will be the case. And if so, it would be less a case of a shortcoming on the part of the defendant and his lawyer than it is of the Nigerian public, a long-suffering and insouciant species forever content to complain, but perennially inactive at combating the incompetence, the corruption and the brutality of its political representatives.

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