

THE TRIAL OF WOLE SOYINKA

BY JAMES GIBBS

(To the producer: What follows is based on material in 'Ibadan' by Wole Soyinka (1994) and on cuttings from 'The Daily Times' (Lagos). While my editorial hand has been largely limited to selecting passages from the former, I have taken some liberties with the latter - and, thus, with the trial as it emerged from their reports. In adding questions and answers, I have been guided by the need to make sense of the final presentations by the lawyers and of the Judge's summing up. I have been most 'creative' in my additions to the prosecution's final statement. A major challenge to the producer is to ensure that listeners can distinguish the material taken from the different sources.

Note that in the script as it stands the legal teams are lined up three against two (Onalaja, Ige and Odesanya v Gomez and Oki). While this is useful in trying to keep a track of who actually said what, it would be unnecessarily complicated in production and only two actors, one for the defence, one for the prosecution, should be used.

Introductory and other music should be taken from Soyinka's record 'Unlimited Liability Company,' Ife: Ewuro, 1983: particularly 'I love my country, I no go lie, Na inside am I go live and die...' It can be mixed with music only version of 'God gave Noah the rainbow sign...' JMG.)

NBC Announcer: The time is 7.15 pm on the 15th October and the Nigerian Broadcasting has pleasure in presenting an address by Chief S.L. Akintola following his victory in the Regional Elections held four days ago. His Excellency the Prime Minister of the Western Region, Chief S L Akintola:

F/X Whirring:

Soyinka: This is the Voice of the people, the true people of this nation. And they are telling you, Akintola, get out! Get out and take with you your renegades who have lost all sense of shame. The ...

F/X Interruption, hastily cued in music.... fade.

Announcer: (From interview Africa Service 30 June 1994) How would you describe your latest book which is subtitled 'a memoir 1946-1965.'

Soyinka: I, fact, I describe it as 'faction.' In other words I do not even write in the first person. I found it easier to write by relating to myself at a distance, so I created a fictional character, called 'Maren', which is undisguisedly me...

Announcer: Is it in some ways an attempt to shake off the burden of the past?

Maren: Not from my point of view because when I wrote it, it wasn't a case of trying to shake that cyclical burden off but trying to place in public recognition things that had happened in 1965. You know, election rigging, thuggery, assassination, tortures. In other words, what we experienced last year in 1993, in trying to get rid of a military dictator. The only difference was at that time it was a civilian regime that wanted to perpetuate itself against the will of the people, the expressed will of the people....

Announcer: The BBC present 'The Trial of Wole Soyinka' by James Gibbs with .... as.....<sup>ovg</sup>.... as .... The play is based on the writings of Wole Soyinka reports from The Daily Times of Nigeria.

F/X Whirring:

Soyinka: This is the Voice of the people, the true people of this nation. And ...

F/X Electronic interference, interruption, hastily cued in music.. Cars starting up, doors slamming, alarmed voices, some in Yoruba.

Soyinka: It was already late afternoon, and there could only be feverish improvisation. Maren had already marked down a young American research student who owned a tape-recorder.. that used the kind of spool that was needed.... By five o'clock that afternoon, the message was on a spool... All that was left was to ... drive casually to the vicinity of the Broadcasting House and select positions... And then it had to happen, the worst imaginable affliction that could attack a body tuning up for a mission that required precision, and was limited by time - a running stomach.... Maren kept up his telephone calls to the very last possible moment, making casual enquiries about Akintola's intentions. By then the six tablets of Thalazone that he had swallowed all at once - instead of two, three times a day - had stopped the subversive tap that was threatening his evening out.

F/X Ibadan street life.

Soyinka: So he watched himself walk through the short link road... This stranger ducked into the entrance to the side stairs, ducked into the entrance to the side stairs, arrived at the corridor and then into the studios. The tape was being readied for broadcast. And then there was this voice, ... he watched them hesitate saw on their faces the look of disbelief, the momentary wonder if it was all a joke, and then, of course, almost at once they knew it was not. So there was no need at all for him to fulfil his threat and shoot an idle console to remove all doubt that the gun was real, and that he meant business. He had a distanced notion that he ought to be amused by the eager response of Oshin, the Shift Leader, as he stammered, 'No sir, no need at all,' scrambling to off-load the Premier's spool, but he was not. Instead, he reached for the discarded spool, saying briefly, 'No, I'll take that.' He stuffed it beneath the loose

agbada he had selected for entombing the gun and the spare magazines.

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F/X Electronic interference, interruption, hastily cued in music.... fade.

Soyinka: Five a.m. saw Maren off, heading East. At the Nsukka campus of the University of Nigeria (he was) ... moved from place to place as the WANTED notices began to appear -with increasing rage and stridency - in both Federal and Western Government media. In the evening the police would knock on the door of his latest refuge, enter and shake hands with everyone, the Wanted Man included.

The contacts continued, the police in Ibadan proving so efficient that they traced all the phone calls, and pulled in Femi Johnson, Michael Olumide and others for questioning. The exercise was futile but a tiny handful of the teaching staff at Ibadan and Ife remained true to themselves, providing information, solicited and unsolicited about real and imagined sightings of the Wanted Man on the day of the crime, sightings which made him a likely suspect, and they declared themselves more than willing to appear in court. Others, the expatriates, especially, were threatened with expulsion from the country unless they gave such evidence as the police wanted, as they slowly built up their case. The past he accepted, was dead - at least for now. When he met the Eastern Premier, Dr Michael Okpara, in his office, Maren presented him with a shopping list.

Maren: I am returning how <sup>de</sup> shortly, but not the way I came. These are what we have; the following, we are in dire need of - where can you assist?

Okpara: Do you need men?

Maren: No. We are only a few for now, but we have a huge pool of reserves.

Soyinka: And then, out of nowhere, Komi appeared. *FX + gredups*

Komi: We've been thinking. You should return and stand trial.

Maren: Stand trial! In Akintola's courts? But you've all repudiated their legality. My road is a different one, one for which the various calls to action have been taped and stored. I had not imagined any submission to legal authority!

Komi: A political trial is what the West and, indeed much of the nation - needs now. You have only a fifty fifty chance of being found guilty.

Maren: Thank you.

Komi: But there is a risk you will be caught and dragged to court in chains. You must go back voluntarily. Whichever way the judgement goes it will hasten the destruction of the Government. It will galvanise the people and there will also be massive international interest.

Maren: Playwright in Prison.

Komi: You must see the trial as a potent weapon - even more deadly than what can be achieved with Okpara's supplies. I've talked it over with your friends, Lawyer Ige, your comrades from the National Strike of '64.

Maren: I agree my return should be part of an overall strategy, but something is missing from this one. You see the people you spoke to are limited in what they can do. When everything is in place, I'll be on my way.

Komi: We'll I'm staying till tomorrow anyway. When you've slept over it, maybe you'll change your mind. Oh I nearly forgot that thug, Kodak -

Maren: He's not a thug, go on...

Komi: I ran into him in Mbari. He's been there almost every day since you left.

Maren: Did he say anything?

Komi: Oh, just that we should greet you if we ran into you. But he wasn't that keen on your returning.

Maren: What did he say, exactly? Do you remember?

Komi: Oh yes. Something like: tell oga no need to hurry back because he will smell the roast yam wherever he is.

Maren: That is the message you should have given me to start with. We leave tomorrow.

Komi: But ... he said there was no need to return.

Maren: Hn - hm, he's right there. But now I accept it's time to get back.

Komi: So what is all this supposed to mean?

Maren: The fire THIS time.

F/X Under 'God gave Noah the rainbow sign...'

Soyinka: Maren returned to the West and Lagos in a car loaned him by the Eastern Premier, with a driver. He left with a promise that the first consignment of weapons would be assembled, waiting only for him to give the word - when and where they should be delivered. In Lagos, his comrade from the National Strike of 64 drove him round the media houses:

Dapo: Did you hear of the gaolbreak?

Maren: Agodi Prison?

Dapo: Yes. Over thirty got out.

Maren: Kodak hasn't been idle.

Dapo: They've set fire to the election offices in Ilesha.

Maren: Its only the beginning.

Soyinka: The following day, Dapo drove him to Ibadan. Maren stayed the night with his businessman friend Femi Johnson while his lawyers sent word that he would be available to be picked up at his Felele house the following morning. But he was driven instead to the police station where the press were waiting. His lawyers had insisted on the ruse, in case he was arrested in his house, then taken to some unknown destination.

In the office that was converted into a detention cell, he was able to receive visitors in between light interrogations, identification parades and discreet observations by Secret service men... The most constant visitor was Femi Johnson, invariably on his way from work, toting a cool-bag containing drinks and a lunch basket. ... Weeks upon weeks, with the chill and dust of an early Harmattan beginning to penetrate light defences; the police in charge of the case became increasingly desultory, evincing no real indication of a time he might be brought to court. Admittedly the force was heavily stretched. The fires no longer erupted in ones and twos but had become a pattern leaping from one town to the next but always restricted to a category of structures ... first electoral offices, then tax offices. Maren could indeed smell the roast yam from his place of confinement... he instructed his friends to commence agitation in the media for his trial or immediate release, then went on hunger strike, and demanded to be transferred to a regular prison cell for criminals.

Maren: You think this comparative comfort substitutes for my rights to a trial. I want an end to this special treatment or the commencement of a legal trial.

Voice 1: The Daily Times 2 November:

Journalist: Mr Soyinka on hunger strike - says his counsel. Yesterday Mr Soyinka's solicitor, Mr Tayo Onalaja, said the playwright had been on hunger strike in protest against the delay in taking him to prison. (Note to producer: At this point note that the defence counsels could be conflated.) Mr Onalaja said Mr Soyinka proposes to continue the strike if he is not taken to court. At the CID office itself, Mr Soyinka is sitting with piles of books on poetry, literature, and a novel entitled 'Arrow of God.' At the week-end, police took snapshots of Mr Soyinka in different postures. Also at the weekend came news from Ibadan of a meeting between Mr Soyinka and his mother. This was their first meeting since Mr Soyinka returned from Britain where he watched the Commonwealth Arts Festival. His play, 'The Road' which was one of Nigeria's entries in the festival was widely acclaimed by the British press.

Essay: Are you well?

Maren: Yes.

Eniola: Are you eating properly?

Maren: No. No. .. I am on hunger strike.

Eniola: Huh. You must eat.

Maren: If they won't take me to court and try me, I won't eat.

Eniola: Huh.

Maren: If I don't eat they will have to do something.

Eniola: Huh.

Maren: Please sit.

F/X chairs scraping, cushions, etc. Pause.

Maren: Who is dead?

Eniola: It is no time -

Essay: Why did you return the way you did, sneaking in like a thief in the night?

Maren: Who is dead?

Essay: Have you killed anyone?

Maren: Well, you are both wearing such long faces.

Eniola: Is this the sort of place where people smile?

Maren: Oh yes, people smile here quite a lot. All my visitors bring a smile with them, or I tell the police not to let them in.

Essay: Well some people are easily satisfied. ~~We~~ I ought to come here with drummers and dance all the way in. Since I cannot see what there is to smile about. 'To'. Welcome home.

Eniola: omo roba, omo 'Laren, omo afotamodi, omo 'Lubiyo ...

Maren: Please stop. (Ibadan 368.)

Soyinka: On his second night in a cell, already mildly weakened by the hunger strike.

F/X clatter of boots

Lozemikan: Where is he? In which cell is he kept? Open this door!

F/x footsteps, keys, door.

Lozemikan: So you are the one making trouble for the Government, and you even make trouble for the police by going on hunger strike, not so? Hunger strike eh?

F/X Movement, blow, thud, jab, slumping figure.

Lozemikan: Bloody beast of no nation!

Ugowe: Sir!

F/X Maren gasping, L. being encouraged to leave.

Voice: Daily Times 3 November

Journalist: Mr Soyinka in hospital, the solicitor of the renowned dramatist, poet and University lecturer-

Onalaja: He is having great difficulty in breathing. He is still on hunger strike.

Journalist: A police source disclosed last night that Mr Soyinka will appear in court today.

Voice: Daily Times 4 November

Journalist: Ruling Today on bail for Soyinka - medical report tendered

F/X Court-room noises.

Ige: Your lordship, a senior police officer, Mr E D Lozemikan baton charged my client in custody. I tender in evidence a medical report from the University Teaching Hospital and an X ray negative.

Judge Eso: Mr Ige has made a serious allegation against a senior police officer and I will like to see Mr Lozemikan brought here before me.

Gomez: Mr friend Mr Ige is weary of making allegations.

Eso: It is in the interest of Mr Lozemikan that he be brought here..

Gomez: I oppose bail. Whatever happens here, the accused should always be considered in the light of his profession. As a playwright and dramatist, he could feign sickness now and the next minute he could feign another character. There is no limit to what dramatists can do. I object to the request for bail most strongly the action that the accused is alleged to have committed was no more and no less than a rehearsal for a coup d'etat. If

a man could at a gun point commit robbery would it be safe to let this man loose? It is just like letting loose a gunman among innocent people. The possibility that Soyinka will not turn up for the trial should not be overlooked.

Ige: Your lordship: the case against my client is flimsy. There have been two identification parades during which Soyinka was not identified as the gunman. The prosecution can confirm this. My client could be brutally baton charged while he is presumed innocent. I wonder what should happen if you lordship should remand him in custody again.

Gomez: Your lordship, how can we give bail to an individual who disappeared when the police said he was wanted.

Ige: Objection, your honour. My client did not disappear. He was away to seclusion in order to be away from the humdrum of the social life around him. He gave specific instructions that he did not want to see anybody during the period. And he went away to a place where neither newspaper nor radio reporters could get at him.

Eso: How did he know that he was wanted?

Ige: He was told when he came out of seclusion and he actually phoned the police that he learned he was wanted. Please bear in mind that he gave himself up immediately he was told that he was wanted.

Reporter: There followed a protracted argument on the application of the defence that they should be supplied with proof of evidence. Sometime later Soyinka's plea was heard.

Eso: Akinwande Oluwole Soyinka you are charged that on 15 October 1965 you did steal two tapes valued at £2 12 property of the NBC from Akinwande Oshin and immediately before or immediately after the said stealing you threatened to use actual violence on the person of Akinwande Oshin. How do you plead?

Soyinka: Not guilty.

Voice 1: Daily Times 4 November - continued on back page.

F/X Turning paper.

Journalist: He was taken back to the University Teaching Hospital where he is receiving attention.

Voice 1: 5 November

Journalist: No Bail for Soyinka, says court. Mr Bola Ige, defence counsel for playwright Wole Soyinka requested bail for his client in order to attend a meeting of heads of departments at the University of Lagos.

Ige: It is our application that while in custody he could be escorted to attend the meeting. And if this is going to be an expense on the public funds the defendant is ready to bear the cost.

Gomez: I am opposing it because it is a most unusual application. Your lordship has remanded Soyinka in custody and he has embarrassed so many people about his hibernation.

Ige: I oppose the word 'hibernation' being used on my client. It connotes somebody running away from something. I used the word 'seclusion.'

Eso: The accused is Head of English and he does not like the word 'Hibernation' being used on him.

F/X Laughter.

Eso: Anyway I would like to hear more about this meeting. The dean of his faculty should be made to swear an affidavit. In the meantime, I do not grant bail. The sudden black-out of the accused during the period he was declared a wanted man is too much of a coincidence which does not encourage me to grant bail. Ige: We also had an application that he should be remanded in police custody.

Eso: That is granted.

Ige: And your honour, that he should have full medical facilities.

Eso: That is also granted.

Ige. Furthermore, your honour, we requested that the prosecution should supply us with proof of evidence.

Eso: Yes. Everyone should know that this is a very serious case. The offence is an indictable one which carries life imprisonment. The prosecution will lose nothing by giving proof of evidence to the defendant. And now I would like to see Mr Ige, Mr Gomez, the defendant and ASP Mr E D Loremikan in chamber.

Soyinka: The brief hearing was comic relief, with Loremikan acting the role of a buffoon caught in a moment of indecent exposure. Its sinister side was that he admitted that, on the night of the assault, he was coming straight from the home of Premier Akintola. No dimension of the ominous could, however, overcome the malicious pleasure the courtroom obtained in watching the all-powerful, all-terrorising demon of the West reduced to quivering jelly before the implacable presence of the judge, who, determined to extract from him some kind of motivation, or link, repeated over and over again the question: Eso: But what were you doing there? That was not your station. What business took you there?

Loremikan: I am sorry, your Lordship. I am very sorry, your Lordship. I apologise very humbly, your Lordship. I promise your Lordship...

F/X Laughter.

Voice 1: Daily Times 10 November 1965

Journalist: Soyinka's trial begins today. At a crowded high court for the first day of the playwright's trial, there was a protracted argument between counsels for the defence and the prosecution about the adequacy of the documents supplied in the proof of evidence. Mr Oshin, engineer in charge of recording and playing back the Premier's taped message, was then led in evidence by the Western Nigerian Director of Public Prosecutions, Mr Tajudeen Oki (Or use Gomez).

Oki: Now Mr Oshin tell the court what happened when you got to the studio with the tape.

Oshin: As I and engineering assistant Ishola were setting the recorded tape of the Premier's speech on the playback machine in

Channel 3, Soyinka came in. He was wearing a pair of black trousers, a shirt and an agbada on top of the shirt.

Oki: How did you know it was Soyinka?

Oshin: I have known Soyinka since 1959 when he was a talks artist in the NBC.

Oki: What did you say?

Oshin: We joked together and I congratulated him on his success at the Commonwealth Festival of the Arts in Britain.

Oki: What happened next?

Oshin: I turned to see how far the engineer had gone with the setting of the tape. At the same time I turned back again to Soyinka who pointed a gun at my tommy.

Oki: Your tummy?

Oshin: My tommy. I thought I was dreaming, and as I wanted to move near him (Soyinka) he shouted that I should stop because, as he put it, 'I'm not kidding.'

Oki: And then?

Oshin: Then he started dictating orders. For example he said that 'I (Soyinka) should not be identified. You (Oshin) should say that a gunman just came in.' He said if I identified him, he would kill me.

Oki: It was just like a drama?

Oshin: Yes. Then Soyinka collected the two tapes of the Premier's address: one in English, one in Yoruba.

Oki: Was anyone in Channel 3 apart from you and Ishola?

Oshin: Yes, two engineering officials came in and they were also held at gunpoint.

Oki: What time was this?

Oshin: All this happened at about 7.11 pm and we all waited in the cubicle until 7 15 pm when the tape handed over to us by Soyinka was relayed on the air. A few seconds after we had started playing Soyinka's tape, he (Soyinka) left the room. The tape was later cut off from the announcer's room.

Eso: Is the continuity room the only place where the tape could be cut off?

Oshin: No, your honour, it could be cut off in the cubicle.

Eso: Counsel for the defence do you have any questions for this witness?

Ige: Mr Oshin, did you cut off the broadcast in your cubicle?

Oshin?: *NO*

Ige: But you could have?

Oshin: Yes. I was frightened, your honour.

Ige: Did you tell your colleague or your superior officer about the gunman being Wole Soyinka.

Oshin: No. no. I was..

Ige: What did you do when you left the cubicle?

Oshin: I went to my car.

Ige: Did you ask for police protection?

Oshin: No. There were no police -

Ige: No police? Not even in the reception area or on the stairs?

Oshin: I did not see any.

Ige: You were frightened so you didn't speak to anyone, but you were not so frightened that you asked for police protection?

Oshin: I...

Ige: But later on you got to know the police.

Oshin: Well...

Ige: Later they charged you with an offence?

Oshin: I... yes.

Ige: They charged you Akinwande Oshin with the offence of stealing two tapes for which my client Oluwole Akinwande Soyinka now stands on trial, facing the possibility of a life sentence.

Oshin: Yes.

Ige: Could there have been some mistake Akinwande?

Oshin: He pointed the gun at me and asked for the tapes.

Ige: And the police? What did they point at you?

Oshin: I don't -

Ige: No further questions

Ige: Your honour we are hampered by the quality of the proof of evidence we have been given. There really seems to be no case to answer.

Eso: I adjourn the court so that more adequate proof of evidence can be made available to the defence.

Voice: Daily Times 16 November

Journalist: 2 Parades but Wole not picked. ASP. When the trial of Wole Soyinka resumed, the prosecution called three witnesses. The first was Mr G Hulls, an expatriate engineer with Rediffusion of Nigeria; he said:

Hulls: On the night of the alleged incident, I was on duty at my Oke-Are office after I had been informed that Premier Akintola would be making a broadcast.

Gomez: Describe what happened.

Hulls: While I was there listening, suddenly there was an interruption and I heard a voice saying: 'This is the voice of Nigeria...'

Gomez: Were those the exact words?

Hulls: Perhaps not, but more or less.

Gomez: Carry on.

Hulls: Then there were some more words, which I can't remember, but they gave me no alternative but to discontinue the program. The voice I heard was on the air for about sixty seconds.

Journalist: Mr Hulls was followed to the witness box by Mr Aigbeh, a gateman -

Aigbeh: I was on duty in evening time when I hear noise-

Gomez: Where was the noise coming from?

Aigbeh: From upstairs - Studio 3.

Gomez: What did you do?

Aigbeh: I rush there and there were so many people rushing outside?

Odesanya: Do you know Mr Oshin?

Aigbeh: I know him since 1959.

Odesanya: Did you see him that night?

Aigbeh: I see him. He was even among the people shouting that night, and he was entering his car.

Odesanya: Did he say anything to you about a gunman?

Aigbeh: At all. None of them spoke to me. They were just shouting.

Odesanya: Did you see any gunmen?

Aigbeh: Only police. Two police dey there with guns like eberyday.

Journalist: In her evidence Mrs Agbale-Williams said -

Agbale-Williams: I was in my office on the night in question and while there I heard a strange noise.

Gomez: What did you do?

Agbale-Williams: I was frightened so I ran downstairs. Later I reported the incident to the controller and he went there to see what had happened and to clear the air.

Gomez: Thank you?

Ige: Mrs Williams did you see Mr Oshin at the station that night?

Agbale-Williams: Yes.

Ige: He is now very sure that he knows who the gunman was. Did he tell you who the gunman was that night?

Agbale Williams: No, please.

Ige: Mrs Williams were there any policemen on duty at the station.

Agbale-Williams: Yes. Two.

Ige: Were they armed?

Agbale-Williams: Yes.

Ige: Thank you.

Journalist: Mr Tajudeen Oki, the DPP, then led Mr Emmanuel Ugowe, an assistant superintendent of police at the regional CID Ibadan, in evidence. Ugowe said:

Ugowe: I was on duty at the Regional CID Ibadan on October 16 when the Acting Commissioner of Police instructed me to investigate a case of robbery alleged to have taken place at the NBC the previous day. I took statements from Mr Oshin, Mr Ishola, Mr Michael Olumide and one of the policemen on duty on the night in question, and a number of other people who were then detained at the CID premises. The following day I visited the scene of the alleged crime. As a result of my enquiry I caused Soyinka to be declared and published as a wanted person on the radio and in the newspapers ...

Oki: When was that?

Ugowe: The first announcement was made on the 18th.

Odesanya: Were you also concerned with Mr Oshin at this time?

Ugowe: I arrested Mr Oshin on the 16th and charged him with stealing two tapes. He was released on the 21st.

Oki: Tell the court what happened on the 25th?

Ugowe: On that day I received a phone call from someone who called himself 'Soyinka.'

Oki: Was it the accused?

Ugowe: I don't know.

Oki: Continue.

Ugowe: He told me that he would be at Ibadan the following day and as such I should go and collect him from his house.

Oki: Hum.

Ugowe: The following morning, I drove to the accused's house in Feleye Layout, Molete, Ibadan, at 10.55 am. But meet his presence. I returned to my office and saw Soyinka there. I introduced myself to him as a police officer and showed him a warrant for his arrest. I arrested him and charged him with the

alleged offence of robbery with violence and cautioned him. He volunteered a statement and he signed it.

Oki: Please read the statement to the court.

Ugowe: I (Soyinka) am informed of this incident which took place at the NBC Ibadan on Friday 15, 1965. I wish to say that I could not be involved because I was then at Enugu. The purpose of my going there is to make necessary arrangements for my new play. I left Lagos on Thursday for Enugu to collect material for the said play and while there I met Mr Ukpuonu and Mr Ekperike who went contacted could confirm my story. I admit that I know Mr Oshin but I deny that I visited the NBC on the night in question. A tape has been played to me but I deny that I recognise the voice on the tape as mine.

Odesanya: Mr Ugowe, I can see that you are a conscientious police officer. Please tell the court what you did next.

Ugowe: Next?

Odesanya: The identification parades?

Ugowe: Yes - I later caused two identification parades to take place.

Odesanya: Who did you ask to identify the mystery gunman?

Ugowe: The two engineers who had been in the studio: Mr Oshin and Mr Ishola.

Odesanya: And I suppose my client was lined up with the other men?

Ugowe: Oh yes.

Odesanya: And was he picked out ~~by~~ Ms Oshin and Mr Ishola?

Ugowe: No - no neither picked him out.

Odesanya: I see. And what about following up on the alibi which my client said could be given by Mr ... Ukpuonu and Mr Ekperike?

Ugowe: I detained (sic) one Mr Allabra to contact them.

Odesanya: And -

Oki: I object, your honour, the prosecution does not intend to call these men and as such their statements are irrelevant.

Eso: Objection sustained.

Odesanya: Let me recap, Mr Ugowe, you have told the court that for five days you held Mr Oshin on the charge of theft that is now levelled against my client and that you conducted two identification parades and that on neither occasion did either of your key witnesses pick out my client. Is that correct?

Ugowe: Yes.

Odesanya: No further questions.

Voice: Daily Times 17 November 1965

Journalist: SLA's proposed broadcast wasn't a ministerial talk - NBC chief, Olumide, tells court. A crowded Ibadan High Court trying well-known playwright and lecturer -

Oki: Mr Michael Olumide, were you present at the recording of the speeches by the Premier, Chief S L Akintola?

Olumide: Yes, but I left the Premier's house before Mr Oshin and went to my house to contact the headquarters of the NBC in Lagos before the broadcast was made at all.

Oki: Why did you do that?

Olumide: I had some doubts as to the propriety of some aspects of the Premier's speech.

Oki: Did you hear the speech broadcast?

Olumide: No I knew the speech did not come on as planned and had to switch on my transistor radio to check whether there was a fault in it or not. I detected nothing.

Oki: Did you hear from the accused on the day of the speech?

Olumide: Yes, he called me.

Oki: And?

Olumide: We greeted each other. I said I was happy he was back from England and because his performances there had been successful. I passed on the best wishes of Mr Femi Johnson who was in the room with me at the time.

Oki: Presumably you made investigations about what had happened to the broadcast.

Olumide: When I reached my office on the 16th, I was expecting Mr Oshin to tell me what had happened the previous night. But this he did not do until I heard it from others and some CID men who were looking for some men there.

Oki: Did you question Mr Oshin?

Olumide: I asked him what really happened last night? Were you really held up by a gunman at gunpoint? Will you be able to identify the alleged gunman if you see him? Is he a Nigerian, whiteman, is he black, fair skinned with some marks?

Oki: What did he reply?

Olumide: He just said that the gunman was a strange man who pointed a gun at his - stomach adding - but I cannot identify him, at all.

Oki: How would you describe the relationship between you and Mr Oshin up till the moment he was arrested by the CID?

Olumide:... Cordial.

Oki: Cordial. Thank you.

Odesanya: You left the Premiere's house before the recording was finished?

Olumide: Yes.

Odesanya: Mr Olumide could you expatiate on your reasons for doing that and for ringing your headquarters.

Olumide: There were ... references made by the Premier which I felt were not ... in keeping with a ministerial broadcast.

Odesanya: And who were these references to?

Olumide: To the ... opposition.

Odesanya: At a time of great tension in the region, when political violence was simmering and it seemed that the smallest spark might ignite a terrifying, destructive conflagration you felt that there were parts of Chief Akintola's speech that were not in keeping with a ministerial broadcast. Thank you.

Voice: Daily Times 20 November 1965.

Journalist: "I saw Wole at Ibadan meeting on October 15." Says Geoffrey Axworthy, director of the School of Drama in the University of Ibadan told Justice Kayode Eso at the Ibadan High Court when he was giving evidence for the prosecution.

Oki: In the statement he signed for ASP Ugowe, the accused said that he was in Enugu, eastern Nigeria, on the day of the incident. Mr Axworthy you, I believe were at a meeting. What was the meeting about?

Axworthy: It was to discuss participation in the festival of Negro arts to be held in Dakar.

Oki: Please tell the court where the meeting was held and about seeing the accused.

Axworthy: The meeting was held in the Senate Chamber of the University. It began-

Oki: Which University?

Axworthy: Oh the University of Ibadan. - at 9 o'clock in the morning and ended at seven in the evening. There was a short break at 11 and a four-hour interval at lunch time. The meeting was chaired by Mr Ayo Ogunseye and attended by representatives of each of the universities.

Oki: You saw the accused?

Axworthy: When the meeting assembled in the afternoon, I saw Wole Soyinka there - speaking with the chairman.

Oki: Thank you.

Odesanya: Mr Axworthy, am I right in thinking that you have been interviewed by the DPP in his office?

Axworthy: Yes. I was taken there last Thursday.

Odesanya: Taken by?

Axworthy: By Mr Ugowe.

Odesanya: The Mr Ugowe who was conducting the investigation and who has already appeared before this court?

Axworthy: Yes.

Odesanya: Mr Ugowe - a conscientious officer, but one who must have been rather disappointed that the accused had not been picked out at an identification parade. Very disappointed.

Journalist: Two dons speak at Soyinka trial. Led in evidence by Mr Tajudeen Oki, Mr Dennis Williams, a lecturer at the University of Ibadan, told the court that he saw Soyinka speaking with Axworthy on the afternoon of the 15th. He said Mr Soyinka wore dark glasses and was clean shaven. Mr Akinjogbin said he saw Mr Soyinka sitting on a chair at the meeting hall on the day in question. Cross examined by the prosecution, he denied that he was president of the NNNDP youth wing of the University of Ife or that he had any connection with Akintola's NNNDP. Before the hearing was adjourned, Mr Odesanya hinted that the defence was not calling any evidence. He said he would address the court.

Soyinka: The exercise was futile but a tiny handful of the teaching staff at Ibadan and Ife remained true to themselves, providing information, solicited and unsolicited about real and imagined sightings of the Wanted Man on the day of the crime, sightings which made him a likely suspect, and they declared themselves more than willing to appear in court. Others, the expatriates, especially, were threatened with expulsion from the country unless they gave such evidence as the police wanted, as they slowly built up their case.

Voice: Daily Times 25th November 1965:

Journalist: 'Acquit Soyinka' plea to judge ~~plea~~ in court by leading defence counsel Mr Michael Odesanya. The end of the case approaches. Crowds at the High Court in Ibadan, yesterday saw world famous playwright, renowned poet and ~~famous~~ *notable* lecturer Wole Soyinka...

Odesanya: Your Lordship, the task before the prosecution at the beginning of this trial was to prove its case beyond reasonable doubt against my client, Mr Wole Soyinka. They had to prove that the taking away of the two tapes from Akinwande Oshin was with actual violence and that the identity of the robber was made known beyond all reasonable doubt. I have been through my books seeking a definition of 'actual violence' and I regret to say that the words are not defined in our law. The only word I have found is 'violence.' I am very doubtful that there was any robbery -with violence, or actual violence - whatever that may be. The court must take carefully account of the conduct and behaviour of Akinwande Oshin both before, during and after what he claims was a robbery. Bearing in mind that robbery presupposes that an item is taken away 'against the will' of the person robbed. Now, in cases such as this, where the accused has pleaded not guilty, where he has not called any evidence and where he has not made any confessional statement the burden of proof is firmly on the prosecution. But in this case the evidence produced has been seriously contradictory - and was inadequate to warrant conviction. Consider the material contradictions in respect of the taking away of the two tapes and the identity of the alleged gunman. Neither Oshin nor Ishola, who were present in the studio at the time of the alleged robbery, picked out my client at the identification parades. We have been told that Oshin recognised my client when he entered the studio and spoke to him about his plays. If that was the case, why did he not speak to his colleagues after the departure of the gunman, and say 'Gentlemen could you believe that the gunman who came here was Wole Soyinka' in order to be sure of his identity. He could have even discussed it with the receptionist or the gateman, but rather he entered his car and drove past the police station because he was anxious to get home. Moreover, Oshin had a telephone at home and knew the number of Mr Michael Olumide - but he did not think fit to ring him up and report the incident to him. No he went home to hide himself. This conduct was very strange, so strange that it excited some deep suspicion against him. Why did he go and hide? Even when he was challenged by Mr Olumide about the gunman he did not say that he recognised him. Please remember that Oshin was, at one stage, charged along with Soyinka with stealing the two tapes that the police are now concerned about. We do not know the circumstances surrounding the withdrawal of the case against Oshin. Why was the charge against Oshin withdrawn? The circumstances were certainly questionable. And the result? The result was that Oshin was able to give evidence with a free mind against my client. I have spent so long on Mr Oshin's evidence but the reason for that is that of all the witnesses brought by the prosecution, only his implicates my client. I would urge you to reject his testimony, to look at his conduct on the night of the theft and to recognise that his conduct made it impossible for the alleged gunman to be arrested. He is an interested witness with a special purpose to serve - a new class of witness, even an accomplice. Mr Oshin's testimony does not help us to identify the gunman. Why? because he has told lies: he lied when he told the court he did not see the armed policemen in the reception area. And he lied when he said that Soyinka was the gunman. Some of those listening in the court may have been

concerned about my client's alibi. But an accused person in a criminal case is not obliged to prove his alibi at all. The attempt by the prosecution to rebut the alibi has nothing to do with the case in court. We have had to sit here listening to the evidence of Mr Williams and Mr Axworthy and Mr Akinjogbin but it was irrelevant. They can jolly well stay in their lecture rooms! Some are interested in the statement that my client made to the Deputy superintendent of Police, Mr Ugowe, but once again I urge the court to disregard it. It violates the judge's rules and it therefore inadmissible in law. The prosecution has done its best to prove that my client stole two tapes with 'actual violence' whatever that may be. But they have failed - goodness they haven't even proved the ownership of the two tapes - worth £2.12. I urge the court to discharge and acquit my client.

Eso: Mr Tajudeen Oki:

Oko: In this court during the last (to Nov 27) the prosecution has, I submit, proved to the court that it was Akinwande Oluwole Soyinka who robbed Mr Akinwande Oshin with violence of the two tapes complained of at the West NBC Ibadan on October 15. The prosecution has established that the tapes had been taken away with actual violence and that the person who took them has been identified. He has been identified by the evidence of Oshin, Ishola, and Williams. It is on the evidence of these people that the edifice of the whole case has been erected in that their evidence is sufficient to prove that it was Soyinka who committed the alleged crime. I am not disputing that Soyinka was well known to Oshin, and for this reason it cannot be said that Oshin is telling lies against him. Neither Ishola nor Oshin were asked by the counsel for the prosecution of the defence whether Soyinka was at the identification parade or not. They had already told the court that they knew Soyinka very well but he was not at the parade. Soyinka denied that he was at Ibadan, he made the claim quite clearly in his statement to Mr Ugowe, on the day of the alleged incident. And yet we have heard the evidence of Mr Axworthy, Dr Akinjogbin and Mr Williams and they have quite clearly shown that Soyinka was in Ibadan. Despite what the my learned friends, the defence counsel, says, defence of alibi still subsists in this case. Two of these men at least were close friends of the accused: invited to tell the truth they did so - they put their own honour and their own testimony under oath above the claims of friendship. What sort of a man is it that forces his friends to have to make that kind of decision? What kind of selfish, self-regarding individualist does that? If Mr Soyinka had wanted to prove he was in Enugu, he should have taken the opportunity to do so. The defence has suggested that Mr Oshin was an accomplice and should be treated as such, attention has been drawn to contradictions in his evidence. I suggest that this, where it existed, was the fruit of fear: that Oshin was a frightened man, torn this way and that, terrified by the threats uttered by the ruthless and unpredictable accused. He was caught up in a drama scripted and directed by a master craftsman and a master of deception. By a man capable of many things, certainly of a rash enterprise involving a gun and two tapes. Wole Soyinka was the gunman, is the thief and should, I humbly submit, be

found guilty. He should suffer the full weight of the law. Thank you.

Eso: the Court has heard the summing up and I will pronounce my verdict in - three weeks time. On 20th December. The court -  
Odesanya: My client, your honour. Bail?

Eso: The accused will be returned whence he came. He will remain in police custody.

Voice: Court rise.

F/X Crowd noises.

F/X Soyinka's later song: 'I love my country I no go lie, na inside am I go live and die.'

Daily Times 21 December 1965: In his marathon judgement - which lasted 90 minutes - Mr Justice Kayode Eso reviewed the evidence of each of the prosecution witnesses and the submissions of the leading defence counsel. The judge also reviewed the charge as laid by the prosecution. Mr Justice Eso said that the questions which ought to be considered in relation to the case are as follows: Whether the alleged gunman entered the NBC studios and held Mr Oshin at gun-point on October 15.: Did the alleged gunman remove two tapes from the scene of the crime as alleged by the prosecution? Did Mr Oshin freely part with the two tapes in question at the time of the incident? Whether Soyinka was the alleged gunman who committed the offence at the material time. The judge said that from the evidence of the prosecution witnesses he was satisfied that a gunman entered the NBC office on the day of the incident as alleged by the prosecution. He also held that it was clear from the evidence adduced before him that the gunman removed two tapes as alleged. On the question of the identity of the alleged gunman, the judge said that this posed serious questions for relative consideration. The judge maintained that in trying to deal with this issue of identity one has to examine the prosecution witnesses - Mr Oshin, Mr Ishola who are officials of the corporation and Mr Dennis Williams. He said all the three witnesses only Mr Oshin's evidence pointed to Soyinka as the alleged gunman. The other two witnesses did not give clear evidence as to the identity of Soyinka as the gunman. Dealing with Mr Oshin's evidence on the question of identity, Mr Justice Eso said aspects of the evidence puzzled him. The judge also said he did not understand why Mr Oshin kept the name of the gunman who threatened from those he spoke to soon after the incident. The Judge further asked

Eso: Why did Oshin fail to discuss the gun incident with the two policemen on duty at the NBC premises on the day of the incident? Why did Oshin go away from the scene of the incident in his car without any police protection despite the fact that he (Oshin) expressed fear at the behaviour of the gunman? Why did he (Oshin) fail to disclose the name of the gunman to Mr Michael Olumide, the region's controller of the NBC under whom he worked? Why did Mr Oshin also fail to disclose the name of the gunman to the police shortly after the incident. Another wonder added to the case was that Oshin was formerly charged with the same offence

for which Soyinka was standing trial. The behaviour of Mr Oshin in regard to the case is very strange although the prosecution did not treat him (Oshin) as an accomplice. What of the prosecution's handling of this evidence and the charge against Wole Soyinka. Briefly: they did not adduce conclusive evidence before the court. The defendant is therefore acquitted.

F/X Building under, murmurs of appreciation burst into cheers. Drumming, singing.

Journalist: He has stepped from the dock - he is wearing a flowing joromi shirt over light slacks - and the crowd is swarming around him. The Judge is trying to make a dignified exit, but all eyes are on Soyinka. He is being lifted onto shoulders and carried from the court; musicians have appeared from no where. Akintola and his men won't show their faces. Many questions remain, many mysteries are unsolved, but - this is the playwright's time, this is the poet's day: what will the writer say, this year, next year. Will he make it into a play or a poem or a novel?

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F/X 'I love my country...'

Soyinka: When I wrote 'Ibadan' and led up to the trial 'it wasn't a case of trying to shake that cyclic burden off but trying to place in public recognition things that had happened last year. You know election rigging, thuggery, assassination, tortures. In other words what we experienced in 1993 trying to get rid of a military dictator. The only difference was that that time in 1965 - it was a civilian regime that wanted to perpetuate itself against, the expressed will of the people.. what this book attempts to remind people of is that this is a continuing process...

Journalist: They will carry him to Felele Layout. They will carry him home to sing and dance.

F/X 'I love my country...'

*Credits.*

Conclude with most recent news from Nigeria:

**The End**

c ~~3500~~ words

c James Gibbs 1995

Mr Prosecutor! Mr Prosecutor! A quote:

Gomez: You have it already. When I objected to bail: 'The accused should always be considered in the light of his profession. As a playwright and a dramatist, he could feign sickness now and the next minute he could feign another character. There is no limit to what dramatists can do... This was no more and no less than a rehearsal for a coup d'etat.

Journalist: The beard?

Gomez: There is no limit ... no limit at all.

Journalist: Mr Soyinka! The Daily Times.

Soyinka: Times eh! Don't quote me on this: But - this is a great moment to be alive. I so badly needed reassurance that the people had not lost their will to resist wrong. There is hope yet. Ehhh. (He is swept away. This quote, incidentally comes from a letter to Dennis Duerden, 26 10 65.)

F/X 'I love my country...'

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