

A Human Rights Agenda for Nigeria's 2007 General Elections and Beyond

A Human Rights Watch Briefing Paper

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Introduction

On April 14 and 21, 2007, Nigerians will head to the polls to take part in national and statewide elections. At stake in the polls are the presidency, the two chambers of the National Assembly (the 109-seat Senate and the 360-seat House of Representatives), and the 36 state governorships and state houses of assembly. Those elected will be mandated to govern a country with profound human rights problems.

In 1999 many Nigerians expected that the end of military rule would bring rapid progress in governmental efforts to address fundamental human rights concerns—from access to education and health care to improving the criminal justice system. Nearly eight years on, those hopes remain largely unfulfilled.

Despite soaring oil prices and a burgeoning treasury—since 1970 government revenues from oil have risen from some US\$250 million to more than \$45 billion annually¹—Nigeria remains mired in corruption, crime, poverty, and violence. Corruption has become a way of life and has bred a political system founded on patronage, influence-peddling, theft, and brutality. Too often, this political system rewards loyalty with the opportunity for graft and to commit criminal offenses with impunity. Elections in 1999 and 2003 were riddled with fraud and violence in many areas, for which there has been no accountability or redress, further entrenching the impunity enjoyed by corrupt and abusive officials at all levels of government.² All of this has contributed to serious abuses of civil and political rights. Official corruption has also crippled the state's ability to deliver for its citizens enjoyment of even the minimum social and economic rights, including health and education.

The federal government has made some strides in the promotion of human rights since the end of military rule. Most notably, despite abuses such as the harassment of some

¹ International Crisis Group (ICG), "Nigeria: Want in the Midst of Plenty," Africa Report No.113, July 19, 2006, <http://www.crisisgroup.org/home/index.cfm?l=1&id=4274> (accessed February 22, 2007), p. 7; US Energy Information Administration, "OPEC Revenues: Country Details," http://www.eia.doe.gov/cabs/OPEC_Revenues/OPECDetails.html (accessed December 4, 2006).

² See Human Rights Watch, *Nigeria's 2003 Elections: The Unacknowledged Violence*, June 2003, <http://hrw.org/reports/2004/nigeria0604/>.

critical journalists by government security agencies, Nigerians are at greater liberty to exercise their right to freedom of expression than they were under military rule. But the legislative and executive arms of government have signally failed to resolve some of the country's most pressing human rights issues, and the country's overall human rights situation remains poor. Nigeria's police and other security forces continue to be implicated in widespread acts of torture, extrajudicial killing, and arbitrary arrest.³ Judicial processes meant to bring accountability continue to be hampered by corruption, political influence, and an unwillingness to address the underlying culture of impunity.⁴ Nigeria's National Assembly has largely failed to act as an effective check on the presidency over human rights issues, a failure that is closely related to the fact that many parliamentarians were not elected in free or fair elections.

In order to begin to seek solutions to these problems candidates in all contests in the upcoming April elections must demonstrate an understanding of the scale of the crisis in Nigerian governance. All candidates from all parties should address the most glaring human rights problems facing the country. They should explain to the electorate in concrete terms how they would tackle these issues if elected to public office. Candidates across all parties have thus far largely failed to do this. This briefing paper outlines some of the key questions that candidates should consider if they are to seriously address the human rights situation in the country: corruption, ethnic and political violence, reform of the security services, and reform of the electoral machinery.

Human Rights Watch calls on all candidates seeking public office in April to publicly explain their plans for addressing the human rights issues set out below.

³ See Human Rights Watch, *"Rest in Pieces": Police Torture and Deaths in Custody in Nigeria*, vol. 17, no. 11(A), July 2005, <http://hrw.org/reports/2005/nigeria0705/>.

⁴ Ibid.

A Human Rights Agenda for Nigeria

Corruption

Despite some advances made in the federal government’s widely heralded “war on corruption,” corruption remains endemic at all levels of government and in the security forces. Corruption has had a devastating impact on many Nigerians’ enjoyment of their basic human rights. It has helped fuel the neglect of basic health and education services in many areas.⁵ It has also fueled violence, as many corrupt politicians and other elites have used the proceeds of corruption to mobilize violence in support of their political ambitions.⁶ Government anti-corruption efforts have lost much of their credibility because the federal Economic and Financial Crimes Commission (EFCC) has involved itself in the 2007 elections by selectively indicting some candidates and not others whom it has acknowledged as meriting investigation.⁷

Human Rights Watch calls upon candidates to:

- present specific measures to address Nigeria’s corruption epidemic;
- commit to the even-handed application of anti-corruption laws and to subjecting the spending of the federal, state, and local governments to greater public oversight, including through the publication of state and local government budgets, expenditures, and all contracts awarded by government to private contractors;
- at the federal level, explain how they would improve the government’s anti-corruption efforts, including by strengthening the capacity and institutional independence of the federal government’s Economic and Financial Crimes Commission and Independent Corrupt Practices and Other Related Offenses Commission; and,
- at the state level, explain how they would improve oversight of state and local government officials in their use of public revenues.

⁵ See, for example, Human Rights Watch, *“Chop Fine”: The Human Rights Impact of Local Government Corruption in Rivers State, Nigeria*, vol. 19, no. 2(A), January 2007, <http://hrw.org/reports/2007/nigeria0107/>.

⁶ See Human Rights Watch, *Nigeria’s 2003 Elections: The Unacknowledged Violence*.

⁷ The EFCC has recently drawn up a list of candidates whom it says should not be allowed to participate in the 2007 elections because they are corrupt. The list includes several prominent opponents of President Olusegun Obasanjo and ignores several politicians whom the EFCC has previously concluded were unfit to govern, including Oyo State gubernatorial candidate Christopher Alao-Akala. This apparent selectivity has generated a public outcry and numerous court cases against the EFCC.

Intercommunal Violence

Since 1999 more than 11,000 Nigerians have died in several hundred separate incidents of violence across religious, ethnic, political, and other lines.⁸ For the last eight years, Nigeria's state and federal governments have largely failed to ensure that those responsible for lethal episodes of intercommunal violence have been properly investigated or held accountable. No one, for example, has been arrested in connection with their role in organizing the massacre of some 700 people at Yelwa in 2004, or the killing of 250 people in Kaduna in 2002.⁹

State and federal governments have also failed to adopt and articulate strategies to prevent intercommunal violence from recurring. In fact, many state and local government policies discriminate against so-called non-indigenes, and those policies serve to exacerbate existing tensions and violence in many areas, threatening the lives of citizens.¹⁰ Despite the federal government's repeated acknowledgement that many of these incidents of violence have been orchestrated by political elites seeking to bolster their own position, those responsible have generally enjoyed complete impunity.

Human Rights Watch calls upon candidates to:

- propose measures to address the underlying causes of Nigeria's violence epidemic including discrimination, political mobilization of violence, and impunity;
- detail the measures that they believe government should adopt to prevent intercommunal violence from occurring;
- articulate the steps they believe necessary to hold accountable those responsible for helping to orchestrate violence in the past and in the future, and commit to investigating and prosecuting those found responsible; and
- commit to passing legislation that would clearly outlaw state and local government policies that discriminate against "non-indigenes," and help ensure those laws are enforced.

⁸ Figures based on Human Rights Watch reports and press accounts between 1999 and 2006.

⁹ In May 2004 Christian militias attacked the predominantly Muslim town of Yelwa apparently in retaliation for earlier attacks. See "Nigeria: Prevent Future Bloodshed in Plateau State," Human Rights Watch news release, May 11, 2004. In Kaduna in November 2002 the security forces used excessive force to suppress riots sparked by a controversy over the "Miss World" contest. See Human Rights Watch, *Nigeria – The "Miss World Riots": Continued Impunity for Killings in Kaduna*, vol. 15, no. 13(A), <http://www.hrw.org/reports/2003/nigeria0703/>.

¹⁰ Human Rights Watch, "*They Do Not Own This Place": Government Discrimination Against "Non-Indigenes" in Nigeria*, vol. 18, no. 3(A), April 2006, <http://hrw.org/reports/2006/nigeria0406/>.

Conduct of the Security Forces

The police in Nigeria are widely seen as partisan because they appear to selectively apply the law. For example, police have yet to arrest Oyo State political “godfather” and People’s Democratic Party leader Lamdi Adedibu, who was recently found by officials of the Independent National Electoral Commission (INEC) to have six voter registration machines in his house, a criminal offense.¹¹

Nigeria’s police and other security forces are implicated in widespread acts of torture and other ill-treatment, extrajudicial killing, and arbitrary arrest. Police officers routinely torture criminal suspects, often to extract “confessions” from them, while at the same time releasing other criminal suspects from custody in return for bribes.¹² Police personnel routinely use the threat of violence or arrest to extort bribes from Nigerians who come into contact with them, often with the active encouragement of their commanding officers.¹³

The prevailing climate of impunity remains the biggest single obstacle to ending such abuses. President Olusegun Obasanjo’s public acknowledgement in August 2005 that Nigerian police officers have committed murder and torture has not led to any significant effort to hold members of the security forces accountable for past or ongoing crimes in which their involvement is alleged.

At the same time, the police lack the basic capacity to investigate crimes but face constant pressure to combat crime more effectively. This lack of capacity and resources has contributed to the situation of thousands of people currently in extended pretrial detention, in violation of their rights under the constitution and human rights law, some for more than a decade.¹⁴

Nigeria’s military forces have also been implicated in serious and widespread abuses for which no one has been held to account. For example, no one has been

¹¹ Human Rights Watch interview with INEC officials, Ibadan, February 9, 2007.

¹² See Human Rights Watch, *“Rest in Pieces.”*

¹³ Ibid.

¹⁴ Ibid.

prosecuted for the military's razing of the town of Odi in Bayelsa State in 1999, the killing of hundreds of civilians in Benue State in 2001, or for the destruction of a community at Aker Base in Rivers State in August 2006.¹⁵

Human Rights Watch calls upon candidates to:

- publicly propose measures to address abusive conduct by government security forces and the government's failure to adequately address the problems of political influence on the police, capacity, funding, oversight, and accountability;
- explain how they believe government should make members of the security forces genuinely accountable for any serious abuses they commit, whether by strengthening existing oversight mechanisms for the military and the police—such as the Police Service Commission—or by insulating the police force from political interference;
- commit to providing the police with adequate resources including training and equipment; and
- commit to ensuring that those responsible for the killings in Bayelsa State in 1999 and Benue State in 2001 are thoroughly investigated and prosecuted in full compliance with domestic and international law.

Free and Fair Elections

State and national elections in 1999 and 2003 were marred by violence and widespread fraud. The results of general elections held in 2003 in particular were deemed by domestic and international observers to be illegitimate in many areas.¹⁶ Nigeria's failure to hold genuinely democratic elections that afford citizens an opportunity to elect the candidates of their choice lies at the heart of many of the country's most pressing human rights problems.

¹⁵ In November 1999 the Nigerian military razed the town of Odi in apparent retaliation for the killing of several soldiers by an armed gang in the town. See Human Rights Watch, *Nigeria – The Destruction of Odi and Rape in Choba*, December 1999, <http://www.hrw.org/press/1999/dec/nibg1299.htm>. On October 22–24, 2001, several hundred soldiers of the Nigerian army killed more than 200 unarmed civilians and destroyed homes, shops, public buildings and other property in more than seven towns and villages in Benue State in central-eastern Nigeria. See Human Rights Watch, *Nigeria – Military Revenge in Benue: A Population Under Attack*, vol. 14, no. 2(A), April 2002, <http://hrw.org/reports/2002/nigeria/>. On August 24, 2006, the Nigerian military razed the community of Aker Base outside Port Harcourt after militants abducted an Italian oil worker and shot one soldier there. See “Nigeria: Military Must be Held to Account for Razing of Community,” Human Rights Watch news release, August 29, 2006, <http://hrw.org/english/docs/2006/08/29/nigeri14087.htm>.

¹⁶ Human Rights Watch, *Nigeria's 2003 Elections: The Unacknowledged Violence*; Environmental Rights Action, “Election Monitoring Report,” reproduced in *Nigeria Today*, April 26, 2003.

In this pre-election period, the Nigerian press has already recorded more than 50 incidents of election-related violence since November 2006, in which more than 50 people reportedly have lost their lives.¹⁷

The political system has often rewarded corrupt and abusive individuals with public office. This appears to encourage many politicians to view unlawful behavior as a necessary component of electoral success. Many politicians hire out political thugs to intimidate their opponents and their supporters, and generally enjoy impunity for such actions despite provisions in Nigeria's Electoral Law that specifically criminalize them.¹⁸

Free and fair elections in Nigeria depend upon an independent electoral commission. So far, in 2007, the independence of Nigeria's Independent National Electoral Commission is in doubt with serious questions and court challenges surrounding the government's attempt to use INEC to disqualify several key opposition candidates, including the vice-president.

Human Rights Watch calls upon candidates to:

- commit to ensuring that the conduct of their own electoral campaigns is free from violence, intimidation, and other abuses;
- propose reforms that Nigeria's next government should undertake to make the political system more open, accountable, and respectful of human rights;
- propose measures for the government to improve the enforcement of existing laws meant to hold to account individuals who attempt to manipulate the electoral process through violence and fraud, including provisions of the electoral law that criminalize conspiracy, bribery, and the use of thugs to intimidate voters; and
- explain what measures they would take to insulate Nigeria's Independent National Electoral Commission from political pressure.

¹⁷ Human Rights Watch surveyed a range of Nigerian newspapers including *The Guardian*, *The Vanguard*, *The Punch*, *The Daily Sun*, *This Day*, *The Nation*, *The Tribune*, and *The Daily Independent* between November 11, 2006, and February 19, 2007.

¹⁸ Electoral Act of 2006. Paragraph 138 lists undue influence as a criminal offense with a maximum tariff of three years, and paragraph 131 lists bribery and conspiracy as a criminal offense with a maximum sentence of 12 months.