



Election or “Selection”?

Human Rights Abuse and Threats to Free and Fair Elections in Nigeria

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* In Nigeria, the term ‘selection’ is commonly used to refer to the process in which political office is secured by means of corrupt and abusive practices rather than through free and fair elections.

Summary

In 1999, Nigeria made a definitive break with a post-independence history dominated by three decades of abusive and unaccountable military rule. That year, the country returned to civilian government under the leadership of President Olusegun Obasanjo and since then has enjoyed its longest stretch of uninterrupted civilian rule since independence in 1960.

Unfortunately, the transition to civilian rule has not delivered democratically accountable government for Nigerians. Nigeria has not held a free and fair general election since the end of military rule; polls in 1999 and 2003 were characterized by widespread violence, intimidation, bribery, vote rigging and corruption. The officials who came to office through that process have generally not realized the hopes of Nigerians for socio-economic advancement and better governance. Instead, Nigeria's population remains mired in poverty and despite limited advances government at all levels is riddled with corruption and abuse of human rights. Human rights concerns from access to health and education to police torture and military attacks on civilians form part of a broader failure of Nigeria's institutions of government.

If the human rights situation in Nigeria is to improve, its government must reflect the genuine exercise of free choice by Nigeria's voters, and be made accountable to the same. For this reason, nationwide polls scheduled later this month will be of landmark importance. If the polls mark a significant improvement over the bloody and fraudulent experience of 2003, they will give momentum to efforts to reform Nigeria's battered system of governance and to improve the lives of ordinary Nigerians. But if the elections are afflicted with the same problems that undermined the legitimacy of past elections, such as violence, intimidation, the stealing of ballot boxes and the corruption of election officials, they will in all likelihood produce four more years of corrupt and abusive governance. Worse, the pattern set by three consecutive flawed national elections would risk entrenching the cronyism, violence and competitive rigging that has come to pass for political competition since 1999.

Unfortunately, as the elections approach the actions of the federal government and its agencies cast doubt on its commitment to multi-party democracy. Indeed the actions of the government so far are not those of an administration seeking to build the foundations of a vibrant democracy; instead, they look much more like a heavy-handed attempt to perpetuate control of the organs of state.

The pre-election period has seen scores of clashes between factions of the ruling People's Democratic Party (PDP) and between PDP and opposition supporters. Those clashes have claimed at least 70 lives, with some credible estimates ranging into the hundreds. Just as worrying has been the federal government's failure to adequately respond to the violence. No real effort has been made to investigate, prosecute and hold accountable the sponsors of political violence in the run-up to the election. The resulting climate of impunity has led many powerful politicians to openly recruit and arm gangs to help them manipulate the elections and intimidate voters, confident that the police will simply stand aside and watch.

Along with the potential threat of widespread violence and intimidation around the polls, the government has failed to ensure some of the basic foundations of a free and fair election. Perhaps most serious, voter registration was marred by grave problems such as widespread complaints of under-registration, multiple registration and a failure to display the voters list. These and other shortcomings have left the integrity of the final voters list in serious doubt.

While appearing unable or unwilling to address these grave threats to the integrity of the electoral process, Nigerian government agencies have shown considerable vigor in devising ways to prevent key opposition figures from standing in the elections. The Independent National Electoral Commission (INEC) has announced that Nigeria's vice president, who had emerged as one of the two most powerful opposition candidates for president, will be ineligible to stand for the elections due to allegations of corruption. The presidency also established a hastily-convened panel to bring "indictments" against opponents of the presidency among the opposition and within the PDP in administrative proceedings that made no pretense of offering fair hearings or due process.

While some of the allegations of corruption may be well-founded, the government has clearly been politically selective in choosing who to “indict” and who to leave free to contest the elections. What unites many of those who were indicted and disqualified from the polls is their perceived disloyalty to the president. This has engendered a widely shared belief within Nigerian civil society, within the media and among the broader population that the much-heralded ‘war on corruption’ has been transformed a political witch-hunt.

Many of those barred from the elections are challenging the legality of their exclusion in court, and so far Nigeria’s courts have showed real independence in enforcing the constitution and the law. But INEC has indicated that it may simply ignore any judgment ordering it to reverse its exclusion of certain candidates, explaining that the elections will by then be too near at hand to alter the ballot papers. This is disingenuous because it is the government’s own delay tactics that have prevented the issue from being resolved sooner.

The net effect of the police reluctance to tackle political violence, and the willingness of the EFCC and INEC to do the bidding of the ruling party has been the creation of a situation in which the rights of Nigeria’s voters are likely to be disregarded and abused.

This report is based on research conducted in Nigeria during January and February 2007. Human Rights Watch researchers visited the states of Lagos, Oyo, Anambra, Delta and the Federal Capital Territory (FCT), and interviewed representatives from local, state and federal government; political party officials from both the PDP and opposition parties; police officers; INEC officials; civil society officials; lawyers; traditional rulers; officials with international organizations; and diplomats from foreign missions. Some names have been withheld to protect the security of the individuals concerned.

Recommendations

To All Political Parties:

- Halt the practice of, and refrain from future hiring of, youths for the purposes of intimidating or causing violence against opponents, civilians or state agents. Immediately disband and disarm any such ad hoc groups formed for these purposes.
- Expel from the party any candidate found to be hiring and arming groups of people for the purposes of causing violence as part of campaigns.
- Publicly commit to pursuing justice for grievances before, during and after the elections through legitimate peaceful channels.

To the Nigerian Police:

- Proactively investigate and prosecute politicians and political parties suspected of breaking the law in the course of their campaigns. In particular, pursue politicians suspected of hiring gangs to intimidate or cause violence; distributing arms and ammunition; buying votes; and seeking to subvert the mandated duties of state agents such as INEC or the police.
- Investigate and prosecute all individuals responsible for violent crimes committed as part of the election campaigns.
- Publicly acknowledge that the sponsoring of violence by prominent politicians is a law enforcement issue.

To the Federal Government of Nigeria:

- Guarantee the independence of the police to pursue their normal duties without restraint and without fear of reprisals.
- Facilitate the independent and speedy remedy of election disputes submitted to election tribunals following the polls.
- Investigate and prosecute holders of public office that steal public funds for use in political campaigning. All such investigations and prosecutions must

be conducted in accordance with international standards for fair trials and due process.

To the Independent National Electoral Commission:

- Obey all court judgments concerning the elimination of candidates from the ballot.
- Integrate the state voters lists into one national voters register and publish it in full on the internet with breakdowns by ward and polling centre and display the relevant list at every polling station throughout the Federal Republic without delay.
- Guarantee international and domestic election observers the right to observe all aspects of the voting process including voting, collation, and final tabulation of votes.
- Take proactive measures to ensure that voting results at the polling station level are announced at that the polling station in line with stated INEC policy.

To Domestic and International Election Observers:

- Take into consideration incidents of political violence and intimidation preceding election day in assessments of the freedom and fairness of voting.
- Consider the flaws experienced during the voter registration process including the lack of a credible display period, the failure to verify the list, and the failure to publish the list in full.
- Consider the legal obstacles placed in the way of opposition candidates seeking office including the selective use of indictments for corruption to disqualify some candidates from the contest.
- Demand access to all stages of the election process including collation and tabulation of results at the state and federal level.

To the United Nations and Nigeria's International Partners:

- Exert all possible influence on the Federal Government of Nigeria to take active steps to investigate, prosecute and prevent political violence by politicians, including vigorous investigations to uncover the financial sponsors of political violence wherever it occurs.

- Provide whatever assistance INEC requires to publish the voters register in full and to publish a list of voters registered at each polling station at the site of the polling stations.
- Take into account evidence from all election monitoring groups as well as the violence that has marked the pre-election period when assessing the conduct of the elections and their freedom and fairness.

Background and Introduction

On April 14 and 21, Nigerians will head to the polls to elect a new president, governors for Nigeria's 36 states and legislators at both the state and federal levels.¹ It is difficult to overstate the importance of these elections, which should mark the first transition from one civilian head of state to another in the country's 47-year history as a nation.

Ordinary Nigerians' experience with government since independence in 1960 has by and large been characterized by corruption, violence and abuse. This was especially true under the succession of military dictators that ruled Nigeria for 30 of its first 39 years of independence. Nigeria's military rulers muzzled the press, denied Nigerians any right to influence the manner in which they were governed, and targeted government opponents with harassment, arrest and even murder.² While the purported justifications for military rule had much to do with the need to combat "indiscipline" in government and in society more broadly, Nigeria's dictators squandered and stole billions of dollars as poverty became more widespread and increasingly severe in its consequences.³

Nigeria returned to civilian rule in 1999 but has not held free and fair elections in the intervening years. The 1999 elections that first brought the current administration of President Olusegun Obasanjo to power were so badly flawed that the US-based Carter Center was led to conclude that "[r]egrettably...it is not possible for us to make

¹ The elections for governors of Nigeria's 36 states and members of their state houses of assembly will be elected on April 14, 2007. On April 21 Nigeria will elect a new president and members of the National Assembly.

² Much has been written about abuses under military rule in Nigeria; after 1999 the government set up a panel chaired by Justice Chukwudifu A. Oputa to comprehensively investigate the record of human rights abuse under the period of military rule preceding Obasanjo's assumption of office in May 1999. The Obasanjo administration never published the report of the Oputa Panel but it was subsequently leaked and made public by several Nigerian civil society groups. It is available online in numerous locations, including at <http://www.nigeriamuse.com/nigeriawatch/oputa> (accessed March 15, 2007).

³ The Executive Chairman of Nigeria's Economic and Financial Crimes Commission Nuhu Ribadu has estimated that Nigeria lost some US\$380 billion to corruption and waste by those in government between 1960 and 1999. "Nigerian Leaders 'Stole' \$380 Billion," BBC News Online, October 20, 2006, <http://news.bbc.co.uk/2/hi/africa/6069230.stm> (accessed March 14, 2006).

an accurate judgment about the outcome of the Presidential election.”⁴ Other foreign and domestic observers also noted widespread irregularities and fraud in the elections at all levels. Nonetheless, the international community treated the 1999 elections as a positive step forward and accepted the legitimacy of the results.

Nationwide elections again took place in 2003 and were again marred by widespread fraud and human rights abuse. In some areas the campaigns were also bloody; more than 100 people lost their lives in the weeks surrounding the elections. Intimidation of voters and candidates was rife in many areas; vote buying was common; ballot boxes were stolen; and results were falsified. As in 1999, these problems were well documented. The EU observer mission, for example, found evidence of “widespread electoral fraud” in many areas and concluded that “[i]n a number of States the minimum standards for democratic elections were not met.”⁵

The 2003 elections resulted in landslide victories for President Obasanjo and his ruling Peoples Democratic Party (PDP). In his home state of Osun, for example, Obasanjo garnered a remarkable majority of 99.92 percent of all votes cast.⁶ In the restive Niger Delta, PDP candidates won overwhelming majorities in areas where violence had been rife and where polling stations were never even opened.⁷ While acknowledging these flaws, the international community was restrained in its criticism and overall treated the results of the 2003 elections as though they were legitimate.⁸ Local government elections held in 2004 were also marred by widespread violence and fraud and their results were also accepted with scant protest on the part of Nigeria’s foreign allies and donor governments.⁹

⁴ “Observing the 1998-1999 Nigeria Elections: Final Report,” Carter Center and National Democratic Institute for International Affairs, November 1999, p. 12, <http://www.cartercenter.org/documents/1152.pdf> (accessed March 14, 2007).

⁵ “Final Report on the National Assembly, Presidential, Gubernatorial and State Houses of Assembly Elections,” European Union Election Observation Mission (EUEOM), http://ec.europa.eu/comm/external_relations/human_rights/eu_election_ass_observ/nigeria/repo3.pdf (accessed March 12, 2007), p.2.

⁶ International Crisis Group (ICG), “Nigeria: Want in the Midst of Plenty,” Africa Report No. 113, July 19, 2006, p. 7, <http://www.crisisgroup.org/home/index.cfm?id=4274&1=1> (accessed March 14, 2007).

⁷ In Rivers State, for example, local civil society groups compared the pre-election period to a “low-intensity armed conflict” and many voters stayed at home or found their polling stations padlocked on election day. Yet, PDP Governor Peter Odili was returned to office in a landslide victory with nearly 100 percent voter turnout reported in some areas.

⁸ See below, The Role of Nigeria’s Regional and International Partners.

⁹ Ibid.

The governments produced by these elections have largely failed to realize Nigerians' hopes that the end of military rule would bring about greater respect for human rights and progress in combating poverty. Unrestrained by any real accountability to the electorate, many of those elected officials who came to power in fraudulent elections have committed abuses against their constituents and engaged in the large-scale looting of public resources.¹⁰

The consequences of unaccountable governance in Nigeria have been severe. As documented by Human Rights Watch and other organizations, human rights abuses remain pervasive in Nigeria.¹¹ Corruption is rampant at all levels of government, crippling basic health and education services and other social infrastructure in spite of rising oil revenues in recent years. Nigeria's security forces have exacted bloody reprisals on civilian communities on numerous occasions with complete impunity.¹² The practice of torture is rampant among officers of the federal police force.¹³ While more than 11,000 Nigerians have lost their lives in intercommunal clashes along ethnic, religious and other lines since 1999, government has done little to bring those responsible for such violence to account even though it acknowledges that this violence is often the result of political manipulation by those in power.¹⁴

¹⁰ See for example International Crisis Group report "Want in the Midst of Plenty," July 2006 and 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/>.

¹¹ See for example Human Rights Watch, Nigeria's 2003 Elections: The Unacknowledged Violence, June 2003, <http://hrw.org/reports/2004/nigeria0604/>; 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/>; 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/>; 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/>; 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/>.

¹² See, for example, 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/>; Human Rights Watch, The Destruction of Odi and Rape in Choba (New York: Human Rights Watch, 1999), <http://www.hrw.org/press/1999/dec/nigbg1299.htm>.

¹³ Human Rights Watch, "Rest in Pieces": Police Torture and Deaths in Custody in Nigeria, July 2005; Press Release: UN Special Rapporteur on Torture Concludes Visit to Nigeria: Torture widespread in police custody in Nigeria, March 12, 2007 (HR/O7/35).

¹⁴ The minimum estimate of 11,000 is based on an ongoing survey of news reports, human rights reports and other literature undertaken by Human Rights Watch in 2006 and 2007. More than 500 separate incidents of violence were noted by HRW in the survey of news sources.

If Nigeria's human rights record is to improve, Nigerians must be able both to exercise a genuine choice in a free and fair election and to hold their leaders to account through democratic means.¹⁵ Election to political office must become less dependent on the strategic deployment of corruption and violence. If this process is to start at the 2007 elections, the April polls must be far more credible; they must be less violent, better organized and more reflective of the actual decisions made by voters than those held in 1999 and 2003. Unfortunately, much of what has occurred in the run-up to the April polls seems to indicate that the elections will again be badly flawed in ways that impact the human rights of voters and once again deny them a real voice in selecting their next government.

¹⁵ Nigeria is a party to the International Covenant on Civil and Political Rights (ICCPR), G.A. res. 2200A (XXI), U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976, acceded to by Nigeria on July 29, 1993. Article 25 of the ICCPR provides that every citizen shall have the right to vote and be elected at "genuine" periodic elections, which shall be by universal and equal suffrage, guaranteeing the free expression of the will of the electors without "unreasonable restrictions." The U.N. Human Rights Committee General Comment No. 25 sets out the authoritative guidelines for states party regarding the scope and nature of the rights and obligations under Article 25. Human Rights Committee, General Comment 25 (57), Adopted by the Committee at its 1510th meeting, July 12, 1996, U.N. Doc. CCPR/C/21/Rev.1/Add.7. Nigeria is also a party to the African [Banjul] Charter on Human and Peoples' Rights, adopted June 27, 1981, OAU Doc. CAB/LEG/67/3 rev. 5, entered into force October 21, 1986, ratified by Nigeria on July 22, 1983. Article 13 provides that every citizen "[s]hall have the right to participate freely in the government of his country, either directly or through freely chosen representatives in accordance with the provisions of the law."

Political Violence

The run-up to Nigeria's April elections has been violent, with campaigning in many areas beset by political killings, bombings and armed clashes between supporters of rival political factions. This violence forms part of a broader pattern of violence and abuse that is inherent in Nigeria's largely unaccountable political system.

Nigeria's epidemic of political violence has human rights implications beyond its immediate toll in human lives. As the U.N. Human Rights Committee has spelt out, fundamental to fair elections is that "voters should be able to form opinions independently, free of violence or threat of violence".¹⁶ Violence, actual and threatened, restricts the ability of ordinary voters to participate in the forthcoming elections and will empower some politicians to subvert the electoral process before and during the April polls. This is precisely what happened in Nigeria's 2003 elections, and yet the authorities have done little to prevent the emergence of similar abuses in 2007 or to deal with them effectively in places where they have occurred.¹⁷

The Scale of Political Violence

Nigeria's last general elections took place during April and May 2003 and in those two months alone more than 100 people were killed in election-related violence with many more injured.¹⁸ Similar problems are again emerging in many areas. As early as December 2006 one international organization monitoring conflict in Nigeria warned that "The use of thugs by politicians and groups has not abated...Allegations and denials of politically-sponsored violence have been rife and people are concerned

¹⁶ See Human Rights Committee, General Comment 25 (57), Adopted by the Committee at its 1510th meeting, July 12, 1996, U.N. Doc. CCPR/C/21/Rev.1/Add.7, para. 19.

¹⁷ For a discussion of the extent and impact of election-related violence in the 2003 elections, see Human Rights Watch, *Nigeria's 2003 Elections: The Unacknowledged Violence*, June 2004, <http://hrw.org/reports/2004/nigeria0604/>. See also "Final Report on the National Assembly, Presidential, Gubernatorial and State Houses of Assembly Elections," European Union Election Observation Mission (EUEOM), http://ec.europa.eu/comm/external_relations/human_rights/eu_election_ass_observ/nigeria/repo3.pdf (accessed March 12, 2007), pp. 28-29.

¹⁸ Human Rights Watch, *The Unacknowledged Violence*, p. 1. The EU Election Observation Mission recorded a total of 105 deaths in pre-election violence. EUEOM, "Final Report on the National Assembly, Presidential, Gubernatorial and State Houses of Assembly Elections," p. 28.

that the electoral process may be sliding towards a repeat of the 2003 experience.”¹⁹ The trend towards violence has since continued to build.

The Nigerian press has reported at least 70 incidents of election-related violence between November 2006 and the middle of March 2007 across 20 of Nigeria’s 36 states. These incidents carried a combined reported death toll of at least 70 people, with many more injured.²⁰ Those numbers may greatly underestimate the true scale of the problem; one international organization with a comprehensive conflict monitoring program in Nigeria recorded 280 reports of election-related deaths and more than 500 injuries over an eight-week period ending in mid-March.²¹ The Electoral Violence Education and Resolution Project (EVER) run by the Nigeria Alliance for Peaceful Elections and the international NGO IFES recorded 77 incidents of election-related violence across the country in one month alone: January 13 to February 13, 2007. Most of the incidents recorded by the EVER community monitors, such as destruction of campaign materials, did not involve any loss of life or injury but included numerous violent clashes between opposing camps and several apparent assassinations.²²

There are many signs that the trend in many areas will be towards more frequent and severe episodes of bloodshed and intimidation in the weeks before, during, and immediately after the polls. Far from renouncing violence, many Nigerian politicians take the role of violence and intimidation in politics for granted and discuss it openly. One nationally prominent opposition politician, for example, told Human Rights Watch that during the campaign, “If my colleague in [name of district withheld] Senatorial District is having problems, I will send some boys to help him out. That’s the way it works here...If anyone tries to attack me, my boys will unleash terror.”²³

¹⁹ Idasa, *Conflict Tracking Dossier: Towards the 2007 Elections, A Quarterly Review* (Abuja: Idasa, December 2006), p. 27.

²⁰ These figures as well as those below are drawn from a survey of major Nigerian newspapers during the indicated months that was carried out by Human Rights Watch combined with work published by Idasa and independent investigations carried out by Human Rights Watch in Lagos, Oyo, Anambra and Delta states in February 2007.

²¹ Human Rights Watch telephone interview with Derrick Marco, Nigeria country director, Idasa, March 21, 2007.

²² Nigeria Alliance for Peaceful Elections and IFES, Electoral Violence Education and Resolution Project, Report No. 1 January 13 – February 13, 2007, Abuja, March 2007.

²³ Human Rights Watch interview, Nigeria, [place and date withheld] February 2007.

Intra-Party Violence

Much of the violence that was reported between the end of 2006 and mid-March 2007 saw rival factions of various political parties pitted against one another; the vast majority of these cases involved violence within the ruling PDP. The Nigerian press and other sources reported at least 27 violent incidents that were directly linked to contests for the PDP nominations to state governorships and seats in the national and state assemblies. Much of that violence was related to controversy surrounding a broad range of alleged irregularities in the selection process.²⁴

Assassinations and Attempted Assassinations

Between November 1, 2006 and March 10, 2007, the Nigerian press and other sources reported at least four assassinations and seven attempted assassinations of Nigerian politicians, party officials and other individuals who were directly linked to various electoral campaigns. Seven of those ten incidents were connected to the PDP primaries or other intra-PDP rivalries.²⁵ The Nigerian police have not identified anyone as being the sponsor of any of those attacks and have only carried out one investigation into the notorious intra-PDP violence at Akure on February 3, 2007.²⁶

The two most notorious murders related to the PDP primaries occurred in mid-2006, well in advance of the primaries. Two PDP gubernatorial aspirants—Funsho Williams in Lagos State and Ayo Daramola in Ekiti State—were murdered in July and August 2006 respectively. Arrests were made in the case of Daramola’s murder although the architects of his assassination have not been formally identified or prosecuted.²⁷

²⁴ See above, footnote 16. Several primary candidates in Anambra State, for example, alleged in interviews with Human Rights Watch that they had paid bribes of several million Naira (one million Naira is equivalent to US\$7750 at an exchange rate of N129 = US\$ 1) to PDP state chairman Tony Nwoye in return for nominations to contest for statewide office but had then been denied the nominations; many were demanding that their money be returned to them. Human Rights Watch interviews, Awka, February 2007. In many constituencies throughout Nigeria, losing candidates alleged that the list of delegates elected at the community level to vote on nominations was altered to favor particular candidates. In other areas it was alleged that voting did not take place at all, or that the results of voting were simply disregarded by the party in granting nominations to losing candidates. For example, see “PDP Ward Congresses: Exercise Mired in Controversies,” *This Day*, November 14, 2006.

²⁵ See above, footnote 16. Along with attempted assassinations of PDP members reported in Enugu, Ekiti, Ebonyi, Bayelsa and Delta States, successful killings of PDP officials were reported in Benue and Delta States. In addition the brother of a suspected leader of one group of thugs in a PDP factional dispute was murdered in Oyo State in March.

²⁶ Human Rights Watch interview with Inspector General of Police Sunday Ehindero, Abuja, February 20, 2007.

²⁷ There is widespread speculation that Governor Ayo Fayose of Ekiti State was behind Daramola’s assassination, and one of Fayose’s aides was charged in connection with the killing. The governor was subsequently impeached on allegations of corruption. Ekiti State is currently under military rule due to a state of emergency imposed by the federal government after the

Funsho Williams' murder remains unsolved even though at one point the Nigerian police claimed to have 244 different "suspects" in custody.²⁸

Attacks on Party Offices and Homes of Candidates

Between November 1, 2006 and March 10, 2007, at least seven attacks on campaign offices, party secretariats and homes of candidates were reported. All of these reported incidents were related to factional or electoral disputes within the ruling PDP. The majority occurred during a brief rash of such attacks in Delta and Bayelsa states in late 2006.²⁹ In Asaba, the capital of Delta State, the homes of two candidates were bombed and the PDP secretariat set ablaze in three separate incidents.³⁰ The PDP state headquarters in neighboring Bayelsa state was also reportedly attacked on two occasions.³¹

At the time of writing, the police had arrested individuals alleged to have been among the combatants in a handful of clashes but had not brought criminal charges against anyone alleged to have orchestrated or sponsored such violence.

Clashes Between Armed Supporters of Rival Political Factions

According to the Nigerian media, at least 17 factional clashes have been reported in ten different states between supporters or thugs armed by opposing political factions. The majority of these arose out of controversies surrounding the PDP primaries.³²

impeachment and Governor Fayose has reportedly fled Nigeria. See "Missing Governor Speaks," *BBC News Online*, October 18, 2006, <http://news.bbc.co.uk/2/hi/africa/6061556.stm> (accessed March 12, 2007).

²⁸ By early December 2006 the number of "suspects" in custody had reportedly declined to 35. Amnesty International, "Nigeria: Joint Statement on Ending Political Violence and Human Rights Abuses as Elections Approach," AI Index: AFR 44/002/2007, January 22, 2007, <http://web.amnesty.org/library/Index/ENGAFR440022007?open&of=ENG-NGA>.

²⁹ See above, footnote 16.

³⁰ The second candidate whose house was allegedly bombed was later accused of arranging the attack herself, perhaps to deflect attention from the previous day's attack on the home of a rival for the PDP nomination for the federal House of Representatives. Human Rights Watch interview with police spokesperson, Asaba, February 16, 2007. See also Austin Ogwuda, "Bomb: Female Ex-Commissioner Arrested," *The Vanguard*, December 2, 2006.

³¹ See above, footnote 16. See also "Security Beefed Up at PDP Office in Bayelsa," *Daily Champion*, November 29, 2006 and Femi Folaranmi, "Bayelsa Gov's Campaign Office Bombed," *The Sun*, December 7, 2006.

³² See above, footnote 16. Clashes were reported in Oyo, Bayelsa, Edo, Akwa/Ibom, Lagos, Rivers, Niger, Delta, Borno, Ondo, Bauchi and Ogun states.

In Oyo State, for example, clashes between factions loyal to PDP Governor Rashidi Ladoja and his estranged political “godfather” Lamidi Adedibu have led to violence on multiple occasions.³³ Both sides have drawn their armed support from Oyo State’s notoriously violent chapter of the National Union of Road Transport Workers (NURTW). Human Rights Watch interviewed several union members who had been shot and wounded during fighting between the Union’s rival factions during the first week of February 2007.³⁴

On February 3, heavily armed NURTW factions loyal to Governor Ladoja and Adedibu’s current political protégé, Deputy Governor Christopher Alao-Akala, attacked one another when Akala was awarded the PDP gubernatorial nomination at a ceremony held in the Ondo State town of Akure. At least four people were killed.³⁵ Several men alleged to have participated in the fighting were arrested but no one has been charged in connection with organizing the violence or arming the groups who participated in it. The head of the pro-Adedibu faction of NURTW has been charged with terrorism by a federal court in Abuja but at the time of writing was not being held in custody and it was not clear whether his trial would move forward.³⁶

Emerging Patterns of Violence Related to the General Election Campaigns

Many observers have expressed concern that the pattern of violence seen within the ruling PDP before, during and after the primary process is an indication of things to come on and around election day. As an official with one western election monitoring group put it, “[w]e worry that what we saw in the primaries was the canary in the coal mine...it could get a lot worse when the elections get closer.”³⁷

³³ The term “godfather” in Nigerian politics refers to the phenomenon of wealthy and powerful individuals who do not hold public office but mobilize corruption and violence to subvert and control the political process by installing their protégés into office. The dispute between Ladoja and Adedibu/Akala has turned violent on at least five separate occasions since the end of 2006, claiming at least eight lives in total. Human Rights Watch interviews, Ibadan, February 2007.

³⁴ Human Rights Watch interviews, Ibadan, February 7, 2007.

³⁵ Human Rights Watch interviews with NURTW officials, Deputy Governor Christopher Alao-Akala and Alhaji Lamidi Adedibu, Ibadan, February 2007. See also Akin Oyedele, “Akure Rally Stampede: Ladoja Sues for Calm,” *The Punch*, February 5, 2007.

³⁶ Human Rights Watch interviews with Sunday Ehindero, inspector general of police, Abuja, February 21, 2007. See also Ise Oluwa-Ige, “Abuja Court Hands Off Tokyo’s Case,” *The Vanguard*, March 1, 2007.

³⁷ Human Rights Watch interview, Abuja, December 11, 2006.

Many politicians have actively recruited and armed gangs of youth in preparation for the elections. In some cases they have purchased imported weaponry including automatic rifles for their proxy militias; others rely on locally-manufactured firearms originating predominantly from southeastern Nigeria.³⁸ Arms imported for the use of political thugs in the run-up to Nigeria's 2003 elections have continued to fuel violence and insecurity in the intervening years, especially in the volatile Niger Delta region.³⁹

In Anambra State, according to numerous witnesses interviewed by Human Rights Watch, including some gang members themselves, the campaign of PDP gubernatorial candidate Andy Uba has paid large sums of money to "mobilize" and arm a youth militia in the service of the campaign, primarily members of the Black Axe cult group.⁴⁰ During one week in March, seven people were killed in a series of tit-for-tat assassinations between members of the Black Axe employed by the Uba campaign and youth adhering to rival cult groups.⁴¹ While representatives of Uba's campaign denied this, well placed police and government sources unanimously confirmed these facts.⁴²

Leading members of one of the cult groups involved in the fighting, the Vikings, told Human Rights Watch that the violence was the result of their exclusion from the largesse associated with the Uba campaign's efforts to "mobilize" the Black Axe. They described this as unfair and said that they were demanding that their members be employed by Uba's campaign organization as well. They threatened an escalation of violence should their exclusion continue and also threatened to offer their services to opposition campaigns as a last resort. One Viking member told Human

³⁸ Human Rights Watch interviews with cult members from Vikings and Bucanneers groups, Awka, February 14 and February 16, 2007; confidential report commissioned by UK government on arms trafficking in Nigeria, May 2006, on file with Human Rights Watch.

³⁹ In Rivers State in 2003, the efforts of politicians to arm their militias left the state awash in weaponry that has since contributed to the state of pervasive insecurity that affects the entire Niger Delta. See Human Rights Watch, "Rivers and Blood; Guns, Oil and Power in Nigeria's Oil-Rich Rivers State," February 2005, <http://hrw.org/backgrounder/africa/nigeria0205/>.

⁴⁰ Human Rights Watch interviews, Awka, February 12-16, 2007.

⁴¹ Human Rights Watch interviews with cult members [names withheld], Awka, February 13 and 15, 2007.

⁴² Human Rights Watch interviews with Anthony Nwabuona, PDP deputy state chaiman, Anambra State, February 14 and Human Rights Watch interviews with police, state government and civil society officials, Awka, February 2007.

Rights Watch that, “This killing is bad. It is youths that are dying...but now it is for us to decide whether it goes on or whether it stops.”⁴³

The efforts made by politicians in Anambra to mobilize violence as part of their campaigns are not unique. More than ten people were killed and 18 wounded in clashes between rival cult gangs in Port Harcourt towards the beginning of March; local observers ascribed the violence to the competing efforts of various cult groups to position themselves to negotiate with local politicians ahead of the elections.⁴⁴

Clashes between factions in support of rival parties have taken place and demonstrate the uses for which youth “mobilization” is intended. On March 10 in Abeokuta, Ogun State 15 people were reportedly injured in clashes between armed PDP and ANPP factions. The state commissioner of police issued a statement ascribing the responsibility for the violence to youth “operating under the aegis of a politician.”⁴⁵ On March 18, the murder of a prominent local PDP youth leader sparked clashes between AC and PDP supporters that reportedly left at least ten people dead and many others injured across ten different villages in Benue State.⁴⁶

Attacks against Voters and Poll Workers

There have already been examples of violent intimidation of poll workers in by-elections, reinforcing fears that violence and intimidation against poll workers and voters will escalate on and around election day. In November 2006 thugs supporting one candidate for the PDP nomination in one of Lagos state’s senate seats reportedly attacked supporters of a rival candidate in Epe, Lagos State, “beating several [nearly] to the point of death.”⁴⁷ In a by-election in Osun State in February 2007 an ANPP polling agent was reportedly killed by thugs who invaded the polling station where he was located before carting off ballot boxes and other materials. In another polling station nearby during the same by-election, two poll workers were reportedly

⁴³ Human Rights Watch interview, Awka, February 15, 2007.

⁴⁴ Human Rights Watch telephone interviews with Rivers State civil society activists, March 12, 2007. See also “Killings Mount Before Poll,” Reuters, March 7, 2007.

⁴⁵ See Jayeola Andrews, “15 Injured as PDP, ANPP Supporters Clash,” *This Day*, March 11, 2007.

⁴⁶ Simeon Nwakaudu and Auwal Ahmed, “Political Clashes Claim 10 Lives, 30 Houses in Benue,” *Guardian*, March 20, 2007.

⁴⁷ See Idowu Olaide And Chioma Ikeagwuani, “Fear Grips Residents as Violence Rocks Epe,” *The Vanguard*, December 2, 2006.

“stripped naked and beaten into a coma” in a similar attack.⁴⁸ One member of the Buccaneers cult group in Anambra State told Human Rights Watch that he and other youths had been paid by the campaign of eventual PDP Gubernatorial nominee Andy Uba to hijack voting during the primaries. “Other PDP delegates simply walked away when they saw us coming,” he said. “We chased away any voters who came nearby while we were voting...If there is a need to cause commotion during the elections they will call us.”⁴⁹

Root Causes Left Unaddressed: Sponsorship and Impunity

While frequent, political violence in Nigeria does not generally occur spontaneously and is not an intractable problem. More often than not political violence is paid for, used as a tool by prominent Nigerians to bolster their own political positions. This fact is accepted at the highest levels of government and within Nigeria’s security agencies. President Obasanjo has denounced this basic reality of Nigerian politics on multiple occasions, in one case referring to the combatants in Nigeria’s myriad episodes of intercommunal violence as “foot-soldiers to the designs and machinations of power-seekers.”⁵⁰ In March, Obasanjo told a rally in Oyo State that God would “scatter the homes” of those responsible for electoral violence.⁵¹

Despite such rhetoric, the government has done little to address the primary root cause of political violence: the impunity enjoyed by political leaders who orchestrate it. Nigeria’s electoral act includes provisions that specifically criminalize any action to disrupt the electoral process through violence, including through the use of hired gangs or other proxies. These provisions are arguably not strict enough, but in practice this has been a moot point as they have not been enforced at all.⁵²

⁴⁸ See “One Killed in Osun Bye-Election,” *The Punch*, February 4, 2007.

⁴⁹ Human Rights Watch interview, Awka, February 14, 2007.

⁵⁰ “President blames unrest in Nigeria on power-seekers, mind-set,” Agence France-Presse, January 25, 2002.

⁵¹ Akin Oyedele, “Obasanjo Curses Perpetrators of Political Thuggery,” *The Punch*, March 9, 2007.

⁵² Section 138 of Nigeria’s Electoral Act criminalizes a broad range of activities related to the use of violence directly or through proxies to disrupt the conduct of elections. Those offenses are punishable by up to three years in prison *or* a N100,000 (US\$800) fine. While a steep sum to the ordinary members of youth militias, the fine would provide scant deterrent to wealthy public officials even if the law were being enforced.

Police Inaction

The primary responsibility for protecting Nigerians from election-related violence, and for punishing those who foment such clashes, lies with Nigeria's Federal Police Force. In an interview with Human Rights Watch, Inspector General of Police (IGP) Sunday Ehindero acknowledged this responsibility and told Human Rights Watch that the police would "not have any sacred cow when we do our investigation" into instances of election-related violence. He also promised that "you will see in a few days we will have arrested some very prominent members of society."⁵³ As of the time of writing, however, the police have not made any arrests or announced any criminal investigations into the links between politicians and political violence anywhere in Nigeria.

It is not clear that the police as an institution acknowledges the seriousness of the problem of political violence, let alone the fact that it has failed to effectively investigate cases. In late February, Ehindero told Human Rights Watch that he was aware of only one instance of election-related violence that had occurred anywhere in Nigeria in 2007, even though police officials in several states had claimed to be investigating numerous other incidents and the press had reported over 50 cases by that date.⁵⁴

The leadership of Nigeria's police force also does not appear to be alive to the need to avert reprisals against ordinary voters on and around election day. Numerous Nigerian civil society groups are concerned that communities whose members are organizing themselves as part of a nationwide "mandate protection" effort could be especially vulnerable; the role of those community members will be to publicly question and challenge any perceived attempt to hijack the voting in their communities.⁵⁵ However, asked how the police would ensure that such reprisals did not occur, Ehindero said only that he found the concept of mandate protection work

⁵³ Human Rights Watch interview with Inspector General of Police Sunday Ehindero, Abuja, February 20, 2007.

⁵⁴ *Ibid.* The one incident Ehindero was aware of was a bloody clash that had claimed at least four lives at a PDP rally in Akure in early February and which the IGP had witnessed firsthand. See also footnote 16 above, press reports catalogued by Human Rights Watch, November 1 – March 16, 2007.

⁵⁵ "Mandate protection" is defined by the civil society groups coordinating the effort to protect the votes of citizens as an attempt to mobilize a nationwide social movement to protect legitimate votes and to prevent ballot boxes being stuffed or stolen. Some of the groups involved are Global Rights, Civil Liberties Organization and the Centre for Democracy and Development (CDD).

to be “unnecessary” because there would be no threats to voters’ rights in the first place.⁵⁶

Part of the explanation for the failures of the police force in this regard is that police personnel generally lack the capacity to carry out serious criminal investigations. Police officers in Nigeria are underpaid, poorly equipped, and badly trained. As the head of one Nigerian organization that tracks the progress of reform in the police force put it:

There is a clear and severe lack of capacity for criminal investigation in the Nigerian police force whether the issue has political overtones or not. The police do not have the capacity to move forward with a case unless they were there when the crime happened. If you say you saw someone hanging around at the time of an armed robbery, the police will go get that person and torture him. Otherwise, they suspect no one.⁵⁷

Real issues of capacity aside, however, the police force’s commitment to enforcing the law by holding the sponsors of political violence to account seems equivocal at best. For example, Human Rights Watch presented the inspector general with numerous accounts that the PDP gubernatorial campaign in Anambra State was arming Black Axe members to intimidate its opponents in advance of the elections. Asked how the police would respond to the situation, Ehindero replied that “the problem in Anambra is more or less one of politics, not one of law and order” and that therefore the police had no role to play.⁵⁸

More serious still are indications that police officials are under political pressure to refrain from pursuing prominent members of the ruling PDP who may be involved in fomenting violence. The commissioner of police in one particularly volatile Nigerian

⁵⁶ Ibid.

⁵⁷ Human Rights Watch interview with Innocent Chukwuma, director, CLEEN and chairman, Transitional Monitoring Group, Lagos, February 6, 2007. The practice of torture is widespread in Nigeria’s police force. See Human Rights Watch, “Rest in Pieces: Police Torture and Deaths in Custody in Nigeria,” July 2005.

⁵⁸ Human Rights Watch interview with Inspector General of Police Sunday Ehindero, Abuja, February 21, 2007.

state told Human Rights Watch that he would be unlikely to carry out any criminal investigation implicating prominent members of the PDP “because I would not want to be kicked out [of the police force] or transferred or forcibly retired.”⁵⁹

⁵⁹ Human Rights Watch interview, February 2007.

The Role of the Independent National Electoral Commission (INEC)

The Lessons of 2003

There were many criticisms leveled at INEC after the 2003 elections, most importantly the charge that the voters register was so seriously flawed as to undermine the credibility of the entire election. The chief press secretary to the chairman of INEC, Andy Ezeani, admitted to HRW that the 2003 register was “25-30 percent fiction,” in that it was full of ghost voters and fake names.⁶⁰

According to the European Observer Mission in Nigeria, in the run up to the general election of 2003, “[s]erious shortcomings were noted in relation to the voters lists and the transparency of the implementing bodies.”⁶¹ In its final report, the EUEOM made numerous recommendations for the overhaul of INEC to remedy many of the shortcomings of its performance in 2003 elections. In particular, it recommended that the 37 state-wide voters registers be merged into one public, challengeable document. It also recommended that INEC’s independence be strengthened so it is able to carry out its duties free from political influence.⁶²

As Nigeria approaches its next general election, it appears that INEC has not learnt the lessons of its previous failures. The registration of voters and the transparency of the register are once more the subject of controversy and the independence of INEC is again in question in the run up to the April elections.

The Independence of INEC

The way in which INEC has carried out its duties has drawn criticism from all political parties, the Nigerian Bar Association and Nigerian civil society groups as well as

⁶⁰ Human Rights Watch interview, Abuja, February 22, 2007.

⁶¹ European Election Observation Mission to Nigeria (2003), Third Preliminary Statement, Abuja, May 5, 2003 also at http://ec.europa.eu/comm/external_relations/human_rights/eu_election_ass_observ/nigeria/3stat2.htm.

⁶² European Union Election Observation Mission to Nigeria (2003), Final Report, pp 55-57 also at: http://ec.europa.eu/comm/external_relations/human_rights/eu_election_ass_observ/nigeria/repo3.pdf.

Human Rights Watch.⁶³ Controversy has surrounded INEC's claim that it has the right to screen candidates and bar them from competing if it finds them ineligible to contest under the provisions of Nigeria's constitution. On the basis of these powers INEC has said that, unless instructed otherwise by the courts, it will bar a number of prominent opposition candidates from appearing on the ballot in the general elections, including Vice President Atiku Abubakar and opposition candidates in several key gubernatorial races.

Despite a Court of Appeal ruling that Atiku should be allowed to contest, INEC has resisted implementing the judgment and is contesting it in the Supreme Court. At the same time, the chairman of INEC, Maurice Iwu, has indicated that INEC may conceivably decide not to comply with any eventual court ruling ordering it to reverse its actions. Iwu argues that by then there would be no time for the ballot papers to be re-printed before the polls.⁶⁴ This controversy is discussed at length below.⁶⁵

Poor Capacity

INEC has been hampered by the slow passage of the Electoral Act of 2006, which only entered into law on June 22, 2006.⁶⁶ This delayed the preparations for registration and for the election itself.

INEC has received considerable support through a UNDP-coordinated donor basket fund which represents the combined efforts of several key donors to support the electoral process, with INEC as one of its primary beneficiaries.⁶⁷ Other donors have offered to provide additional technical support and funding to INEC where the commission has indicated that it has needs. However, groups working with INEC to provide staff training and other technical assistance confirmed to Human Rights

⁶³ See Human Rights Watch, "A Human Rights Agenda for Nigeria's General Elections 2007 and beyond", Briefing Paper Number 2, February 26, 2007, <http://hrw.org/backgrounders/africa/nigeria0207/> and also Davidson Iriekpen, "NBA Warns INEC on Candidates' Disqualification," *The Vanguard*, March 12, 2007, Anayo Okoli, "INEC's poll list, Obi, Ngige, CLO, others react" *This Day* March 10, 2007.

⁶⁴ Luka Biluyat and Emmanuel Ulayi, "INEC clears 486 for Guber Polls," *The Vanguard*, March 9, 2007.

⁶⁵ See below, Abuse of State Power.

⁶⁶ *Federal Republic of Nigeria Official Gazette*, No. 42 Vol. 93, Lagos, 22 June, 2006.

⁶⁷ Human Rights Watch interviews with UNDP officials, Abuja, February 22, 2007. The Joint Basket's contributors are DfID, the UNDP, the EU and the Canadian International Development Agency (CIDA).

Watch that the training process is not progressing well and is behind schedule.⁶⁸ Nonetheless, in 2007 INEC has indicated to several donor governments that it has not been in need of any further financial assistance to carry out its mandate to prepare for the elections.⁶⁹

INEC intends to recruit roughly 500,000 ad hoc staff to assist in the conduct of the elections. The Nigerian Bar Association (NBA) also offered to provide 20,000 registered lawyers to work as ad hoc staff on a pro bono basis.⁷⁰ INEC told the NBA in response that lawyers could apply in an individual capacity to serve as ad hoc staff in their own states but not as representatives of the NBA. It refused an official relationship with the NBA. The NBA then requested observer status but was told that it had missed the deadline and could only participate as members of another accredited observer team. The NBA has therefore agreed to work with the Alliance for Credible Elections (ACE).⁷¹ The attitude of INEC to a constructive offer of assistance from qualified lawyers is disappointing and raises questions about its commitment to ensuring the highest quality process.

Registration Problems

Numerous problems beset the registration process, which got off to a very slow start owing to a host of logistical failures on the part of INEC. Human Rights Watch recorded complaints from some voters in Anambra state, the Federal Capital Territory (FCT) and Oyo state who said that they had difficulty registering because registration officials continuously moved registration teams around to different sites without informing members of the public.⁷² Other would-be voters in these areas also complained that they were not able to register because of what registration officials described to them as technical difficulties including inadequate ink and run-down batteries for the Direct Data Capture (DDC) machines procured especially for the

⁶⁸ Human Rights Watch interview with NGO officials, Abuja, February 21, 2007.

⁶⁹ Human Rights Watch interviews with DfID and US government officials, Abuja, February 2007.

⁷⁰ Human Rights Watch interview with Olisa Agbakoba, Lagos, February 5, 2007.

⁷¹ Human Rights Watch telephone interview with assistant to Olisa Agbakoba, president of the NBA, March 15, 2007.

⁷² Human Rights Watch interviews with residents Ibadan, February 8, 2007, Abuja, February 20, 2007 and Awka, February 16, 2007. According to INEC, the reason for rotating the Direct Data Capture (DDC) machines used in the registration process between different sites was that INEC did not have enough DDC machines to spread across all polling stations at the same time.

exercise.⁷³ In some cases, registration staff reportedly asked that would-be voters pay for the ink needed to print the voter ID cards or demanded outright bribes in return for simply doing their jobs.⁷⁴

A further problem is that several citizens in Oyo and FCT told Human Rights Watch they were informed by INEC officers at polling stations that they could register anywhere and that they could still vote in their home polling station.⁷⁵ This was also the message Human Rights Watch received from the chief press officer at INEC: “Registration is local government-based; you can register anywhere.”⁷⁶ However, only several offices away, the director of registration at INEC said: “People were supposed to register at their known polling unit.”⁷⁷

This lack of clarity could well be a barrier to people expressing their right to vote.⁷⁸ Having registered somewhere else because they failed to find a registration unit open in their area, voters may show up to vote on polling day at their usual location and find that they are not on the list. If INEC’s own press secretary is apparently unaware of the procedure for registering and voting, INEC’s voter education efforts do not inspire confidence.

Under the terms of the Electoral Act, voters are allowed to change their place of registration by written application to INEC.⁷⁹ However, INEC has not conducted any effective public awareness campaign to inform voters of this possibility or of the

⁷³ Ibid.

⁷⁴ Ibid and Austin Ogwuda, “INEC’s staff demand money for registration in Delta,” *The Vanguard*, January 22, 2007.

⁷⁵ Human Rights Watch interview with NGO representatives, Ibadan, February 8, 2007 and Human Rights Watch interview with NGO representatives, Abuja, February 20, 2007.

⁷⁶ Human Rights Watch interview with Andy Ezeani, Lagos, February 22, 2007.

⁷⁷ Human Rights Watch interview with Tunde Adesina, director of registration, INEC, Abuja, February 22, 2007.

⁷⁸ General Comment No. 25 explains that “states must take effective measures to ensure that all persons entitled to vote are able to exercise that right. Where registration of voters is required, it should be facilitated and obstacles to such registration should not be imposed. ... Any abusive interference with registration or voting as well as intimidation or coercion of voters should be prohibited by penal laws and those laws should be strictly enforced. Voter education and registration campaigns are necessary to ensure the effective exercise of article 25 rights by an informed community.” Human Rights Committee, General Comment 25 (57), Adopted by the Committee at its 1510th meeting, July 12, 1996, U.N. Doc. CCPR/C/21/Rev.1/Add.7.

⁷⁹ Electoral Act of Nigeria 2006, 14 (1) A person who before the election is resident in a constituency other than the one in which he was registered may apply to the resident electoral commissioner of the state where he is currently resident for his name to be entered on the Transferred Voters List for the constituency.

need to do so, and as of the end of February INEC's director of registration told Human Rights Watch that they had "not yet received a single request for such a move."⁸⁰

One way to reduce the possible confusion that may erupt on polling day would be to publish the register in each polling station ahead of time, especially because there will not be freedom of movement on voting day itself.⁸¹ According to the Electoral Act, INEC is required to publish the voters register "no later than 60 days before a general election."⁸²

When asked whether the voters register would be published, INEC's response was evasive. The director of registration said that the list would not be published due to funding constraints and issues of timing. Instead he maintained that the register is available for anyone that seeks a copy, and that INEC would be providing electronic copies of the final register to all political parties.⁸³

The Credibility of the Voters Register

Before the 2003 general elections, the Carter Center/National Democratic Institute monitoring team criticized INEC for not displaying the register adequately and warned that, "Unresolved problems with the voter register will result in increased tensions during the elections and may disenfranchise large numbers of eligible voters and allow others to vote fraudulently."⁸⁴ Despite those four years of advanced warning, similar concerns have emerged in the run-up to the 2007 polls.

⁸⁰ HRW interview with Tunde Adesina, director of registration, INEC, Abuja, February 22, 2007.

⁸¹ Vehicular traffic will be virtually eliminated on election day for reasons of security, in effect meaning that voters can only travel as far as they are willing to walk in order to vote. Human Rights Watch interviews with INEC officials, Abuja, February 2007.

⁸² Electoral Act of Nigeria, 2006, 21. No later than 60 days before a general election, the supplementary voters list shall be integrated with the voters register and published.

⁸³ HRW interview with Tunde Adesina, director of registration, INEC, Abuja, February 22, 2007.

⁸⁴ National Democratic Institute and Carter Center, Second Report by the National Democratic Institute and The Carter Center on the 2003 Nigerian Electoral Process, March 16-21, 2003 also at http://www.accessdemocracy.org/NDI/usr_search.asp?SearchType=bas&DocURL=both&RC=72&TS=51&Date=15&keywords=&submit1=Search%21 (accessed March 13, 2007).

In December, IDASA reported that in Oyo, Lagos, Ekiti, Delta and Cross River state in most areas the DDC machines failed and “a less than acceptable percentage of eligible voters has so far been registered in those states.”⁸⁵ In January and February, the numbers of voters registered rose dramatically according to published INEC figures and the director of registration at INEC.

INEC maintains that “registration went on very well,”⁸⁶ while at the same time acknowledging major failings in the registration process. Registration started with 1000 DDC machines instead of the 33,000 anticipated and required. Moreover, according to INEC’s director of registration, the machines had a short battery life so were very inefficient.⁸⁷ He said that the pace of registration picked up dramatically with INEC’s eventual acquisition of adequate supplies of registration equipment, to such an extent that during the final three days of registration INEC claimed to have registered ten million voters.⁸⁸

NGOs and diplomats alike expressed surprise at the dramatic increase in the pace of registration in the closing stages of the exercise. Expressing a skepticism widely shared among other observer groups, an official with one western organization that will monitor the April polls told Human Rights Watch that the registration of so many voters in the waning days of the exercise “might technically be possible, but it’s hard to imagine that it actually took place.”⁸⁹

One civil society activist in Ibadan who requested anonymity told Human Rights Watch that he saw a bus unloading people to register who pushed to the head of the queue and who then, having registered, gave their cards to their leader, one by one.⁹⁰

⁸⁵ IDASA “Conflict Tracking Dossier,” Issue 4, December 2006, p.6.

⁸⁶ Human Rights Watch interview with Tunde Adesina, director of registration, INEC, Abuja, February 22, 2007.

⁸⁷ Ibid.

⁸⁸ Ibid. Registration was originally slated to end on January 30 but the exercise was ultimately extended through February 2.

⁸⁹ Human Rights Watch interview, Abuja, [Date Withheld], February 2007.

⁹⁰ Human Rights Watch interview with resident, [name withheld], Ibadan, February 10, 2007.

INEC eventually reported that 61 million voters were registered in total, which would constitute a very high percentage of the total voting-age population of Nigeria, estimated at around 70 million.⁹¹ This is seemingly at odds with anecdotal evidence suggesting that there were significant numbers of eligible voters who were unable or unwilling to register. Human Rights Watch heard numerous such accounts in Oyo, Anambra, Lagos and Delta States along with the FCT. INEC says that it has no estimate of the numbers of eligible voters who were unable to register.⁹²

Inadequate Display of Voters Register

The Electoral Act of 2006 stipulates that the voters register should be publicly displayed so that voters can check whether their names have been included and to challenge the names of others that they feel may not have the right to be on the list.⁹³ This is crucial because of the transparency that it could lend to the voters register and especially important since the integrity of the register has been questioned.

INEC announced that display would take place from February 5 to 10, the minimum number of days allowed under the Electoral Act.⁹⁴ However, INEC itself admitted that, “Because of some of the delays at registration, we did not have such an elaborate display as we would have liked.”⁹⁵ In fact, in many areas it appears that display did not take place at all. One western diplomatic source responded to INEC’s claims of having conducted a successful display by stating, “That’s just crazy. I have no doubt that in a few token places the list was posted but in most areas the list was not posted.”⁹⁶

⁹¹ The recently concluded national census was controversial and hotly disputed by state and municipal authorities but estimated Nigeria’s total population at 140 million. INEC has reportedly stated that it operates on the assumption that roughly 50 percent of the total population is eligible to vote. Forthcoming report from international organization, on file with Human Rights Watch.

⁹² Ibid.

⁹³ Electoral Act of Nigeria 2006, sec. 20.

⁹⁴ Section 20 of the Electoral Act requires the display period to last between five and 14 days.

⁹⁵ Human Rights Watch interview with Andy Ezeani, Abuja, February 22, 2007.

⁹⁶ Human Rights Watch interview with western diplomatic official, Abuja, February 20, 2007.

Uche Onyeaguocho, the gubernatorial candidate in Imo state for the opposition party Action Congress, claimed that in all of Imo state the list had not been displayed, in contravention of the law.⁹⁷ Human Rights Watch heard complaints from many citizens in Ibadan, Abuja, Awka and Asaba who had been unable to find the list displayed in their Local Government Area.⁹⁸

INEC's failure to fully display the register only serves to fuel suspicions about the credibility of the list and to sow confusion among voters who should be able to find out if they are registered in the right place, or even registered at all.

Verification of the Register

One of the principle reasons for INEC's use of DDC machines to register voters is that they provide INEC the opportunity to prevent multiple registrations and to remove ghost voters fairly simply by looking for duplicates of the fingerprints recorded as part of the registration process. The DDC machines were thus expected to eliminate the massive numbers of fraudulent voters that padded the voters roll in 2003.

However, in February INEC told Human Rights Watch that it was not clear "whether we will have time to remove all the duplicate names."⁹⁹ If true, INEC's inability to organize the registration process on time will mean that one of the principle flaws of the last election could well be repeated. In addition, it would undermine one of the main reasons for spending so much money and effort on registering voters using the DDC machines.

⁹⁷ Ifedayo Sayo and Charles Ogugbuaja, "AC decries non-display in Imo" *The Guardian*, Lagos, March 7, 2007.

⁹⁸ Human Rights Watch interviews, Ibadan, Abuja, Asaba, Awka, February 9-February 22, 2007.

⁹⁹ Human Rights Watch interview with Tunde Adesina, INEC, Abuja, February 22, 2007.

Abuse of State Power

As polling day approaches, the federal government is presiding over an increasingly partisan use of state power and resources to further the political agenda of the ruling PDP. Not only have the police failed to curb violence and other abuses related to the elections, but they are alleged to have crippled opposition campaigning in some areas through uneven enforcement of the law. The federal government has also brought “indictments” of questionable legality against opponents of the leadership of the ruling party in an attempt to have them disqualified from the elections. Most troubling of all, INEC has indicated that it may ignore any court ruling ordering a reversal of those disqualifications.

Police Failings and Abuses

In Nigeria, where the illegal use of violence for political ends is common, the police have an essential role in ensuring peaceful, free and fair elections.

The police plan to deploy at least 200,000 officers on election day and have increased those officers’ firepower by equipping them with some eighty thousand newly-purchased firearms.¹⁰⁰ However, Nigeria’s police force has shown itself unwilling to actively pursue sponsors of political violence in the run-up to the campaign.¹⁰¹

Nigeria’s police force as a whole is underpaid and prone to use of violence, torture and involvement in other abuses.¹⁰² This gives rise to concern that some officers will be mobilized to help subvert the electoral process in some areas. There have already been complaints from officials and candidates outside the PDP of partisan police behavior in some places. In Anambra State Human Rights Watch received numerous complaints from opposition political figures and from the state governor’s office that

¹⁰⁰ Human Rights Watch interview with Sunday Ehindero, inspector general of police, Abuja, February 20, 2007. See also “Police to get 80,000 guns, 32m bullets for elections,” *The Vanguard*, March 7, 2007.

¹⁰¹ See above, Political Violence.

¹⁰² See Human Rights Watch, “Rest in Pieces”: Police Torture and Deaths in Custody in Nigeria, July 2005.

Mobile Police (MOPOL) Unit 29 was exclusively deployed to protect and to serve the PDP gubernatorial candidate in the state, Andy Uba, providing armed force far in excess of his security needs wherever he chose to travel within the state.¹⁰³

In some cases the police have reportedly been used as instruments of harassment against opposition candidates. In December 2006, for example, Chris Ataguwu, AC senatorial candidate for Anambra South senatorial district, was arrested and detained for two weeks without charge and reportedly told that he would be released only if he renounced his intention to stand in the election.¹⁰⁴

Several opposition parties have also reported to Human Rights Watch on police interference in their constitutional right to campaign and hold rallies before the elections. In Anambra State, Orumba South District Prince Bonti Onouigbo of Akbo community, the Action Congress organizer in the district complained, “I wrote to the police to ask permission for a rally but it was denied on the pretext of violence. Then the police came to Orumba and were patrolling all over the place.”¹⁰⁵ Opposition All Nigeria Peoples’ Party (ANPP) officials also claimed that the police turned down requests from the ANPP to hold rallies in four northern states; police officials denied these allegations to journalists.¹⁰⁶

Economic and Financial Crimes Commission (EFCC) “Indictments” and Judicial Harassment

Nigeria’s Economic and Financial Crimes Commission (EFCC) has a laudable record in building cases against numerous allegedly corrupt Nigerian politicians in recent years. But as the elections have drawn near, its actions have sparked considerable controversy. In early February, the EFCC produced a list of 135 would-be candidates

¹⁰³ Human Rights Watch interviews, Awka February 12-16, 2007.

¹⁰⁴ Human Rights Watch interview with Action Congress official and former Deputy Governor Anambra State, Dr. Chimweke, Awka, February 12, 2007.

¹⁰⁵ Human Rights Watch interview with Prince Bonti Onouigbo, Awka, February 12, 2007.

¹⁰⁶ *The Vanguard* reported that police officials stated publicly that Buhari was “persona non-grata” in the state. *The Vanguard*, March 7, 2007.

whom it claimed were corrupt and thus unfit to stand for election.¹⁰⁷ The majority of those listed were either opposition candidates or individuals within the PDP seen as having ties to the vice president.¹⁰⁸ Relations between Obasanjo and his deputy have long been tense and degenerated into open political warfare when the vice president spearheaded opposition to Obasanjo's failed bid to secure a third term in office.

The list has been attacked in many quarters for its apparent selectivity. While numerous members of the opposition were included on the list, it omitted the names of several powerful people within the PDP who are widely seen as corrupt and whom EFCC Chairman Nuhu Ribadu has publicly denounced as corrupt on previous occasions. These included the gubernatorial candidate for the PDP in Oyo state, Christopher Alao-Akala; the vice-presidential candidate for the PDP, Goodluck Jonathan; and the PDP gubernatorial candidate in Ogun State, Olubenga Daniel.¹⁰⁹ None of these individuals was on the list published and reviewed by the administrative panel. However, numerous press reports claim that their names were on an earlier draft of the list along with several other allies of the president, but were subsequently struck off at the behest of the presidency.¹¹⁰

Although the EFCC claimed that its list was merely 'advisory' to political parties, the federal government promptly set up the ad hoc 'Administrative Panel' to investigate the individuals named by the EFCC. It reviewed the cases of 77 and on February 13, 2007 issued a report that purported to "indict" 37 of them after sitting for only 48 hours.¹¹¹ Those indicted were not given any real opportunity to appear before the panel to defend themselves.

¹⁰⁷ Abdul Jimoh, "EFCC Release lists of candidates adjudged corrupt and unfit for elections," Sahara Reporters.com available at <http://www.saharareporters.com/www/report/detail/?id=220> (accessed March 16, 2007).

¹⁰⁸ The list, for example, included a surprisingly large number of PDP politicians from the vice president's home state of Adamawa. The full list is available online at <http://www.saharareporters.com>.

¹⁰⁹ Human Rights Watch interviews with journalists; a copy of the list that is purportedly the original includes these names and is on file with Human Rights Watch.

¹¹⁰ Abdul Jimoh, "EFCC releases lists of candidates adjudged corrupt and unfit for elections", SaharaReporters.com, see also *The Sun*, February 10, 2007.

¹¹¹ Report of the Administrative Panel of Inquiry on Alleged Corrupt Practices of Some Public Officers and Other Persons, on file with Human Rights Watch.

The government has argued that as indictees, the candidates concerned are barred from running for office under the Nigerian constitution, which clearly states that anyone who has been indicted for embezzlement or fraud by an “Administrative Panel” is ineligible to stand for election.¹¹² Critics have argued that because of their lack of due process and because the “indictments” are not meant to be followed with any form of legal proceeding but appear designed simply to allow the disqualification of certain individuals from the polls, the relevant constitutional provisions should not be held to apply. In any case, the defendants’ fundamental and constitutional rights to a fair trial appear to have been disregarded.¹¹³

One INEC official, speaking on condition of anonymity, told Human Rights Watch that INEC Commissioner for Legal Affairs Mohammed Abubakar argued that INEC should not disqualify any of the “indicted” candidates unless ordered to do so by a court of law. Shortly thereafter the commissioner was arrested by the EFCC on charges of corruption.¹¹⁴ “It was a warning to the rest of us,” the INEC official told Human Rights Watch.¹¹⁵

The question of INEC’s mandate to disallow the “indicted” candidates is a matter of serious legal controversy and is currently before the courts. On March 19 a federal high court quashed the government’s case for disqualifying the indicted candidates. The government appealed and at the time of writing the case was working its way towards a final decision by Nigeria’s Supreme Court.¹¹⁶ The Nigerian Bar Association has affirmed that in its opinion, the power to disqualify candidates resides firmly in the courts, by virtue of Section 6 of the 1999 constitution.¹¹⁷ INEC Chairman Maurice

¹¹² Constitution of the Federal Republic of Nigeria, Articles 66(1)(h), 107(1)(h), 137(1)(i) and 182(1)(i).

¹¹³ Emeka Mamah, *This Day*, March 20, 2007. In accordance with Article 25 of the ICCPR, persons who are otherwise eligible for election should not be unreasonably or arbitrarily excluded. Removal from office or exclusion from eligibility for elected office should be established by law and incorporate fair procedures. See Human Rights Committee, General Comment 25 (57), Adopted by the committee at its 1510th meeting, July 12, 1996, U.N. Doc. CCPR/C/21/Rev.1/Add.7.

¹¹⁴ See Ike Abonyi And Chuks Okocha, “EFCC Arrest 3 INEC Commissioners, director,” *This Day*, February 15, 2007.

¹¹⁵ Human Rights Watch interview with INEC official [name withheld], Abuja February 19, 2007.

¹¹⁶ Emeka Mamah, “Court quashes Govt Paperon Atiku” *This Day*, March 20, 2007.

¹¹⁷ David Iriekpen.

Iwu claims that INEC is not “disqualifying” candidates but only “disallowing” them in line with its legal mandate to verify documents submitted to it.¹¹⁸

Through delay tactics, the government may be able to keep the indicted candidates off the ballot regardless of any eventual court ruling. INEC Chairman Maurice Iwu has said that “the time for substitution [of new candidates for those already submitted to INEC by various parties] is over and we cannot substitute any name found defective after this stage.”¹¹⁹ This means that parties whose candidates have been disqualified will not be able to compete in those races at all; the AC for instance will have no presidential candidate if Atiku is not allowed to stand.

INEC’s actions have had the effect of clearing the field of PDP opponents in some key races and eliminating one of the PDP’s two most powerful challengers in the race for President. In Anambra State, INEC has ‘disallowed’ both the sitting Governor of Anambra State Peter Obi and a former governor of the same state, Dr. Chris Ngige, from contesting the elections in Anambra.¹²⁰ Both Obi and Ngige had planned to stand on behalf of opposition parties who many analysts believe capable of mounting a strong challenge to the PDP in Anambra State.

Human Rights Watch believes that the selectivity of the EFCC/INEC intervention, coupled with the irregularities and total lack of due process surrounding the work of the panel set up by the presidency amount to a gross interference in the electoral process, and constitutes a violation of Article 25 of the ICCPR. At best, INEC has allowed itself to be shoehorned into a government-dictated timeline that does not afford adequate time for the controversy to be handled by the courts, shortened further because of INEC’s own deadlines for printing the ballot papers. Under the circumstances, INEC’s behavior could either provide significant advantage to the ruling PDP party in many key races, or it could de-stabilize the process. Neither outcome reflects favorably on INEC.

¹¹⁸ Luka Biluyat and Emmanuel Ulayi, “INEC clears 486 for Guber Polls,” *The Vanguard*, March 9, 2007.

¹¹⁹ Luka Biluyat and Emmanuel Ulayi, “INEC clears 486 for Guber Polls,” *The Vanguard*, March 9, 2007 .

¹²⁰ Chris Ngige became governor of Anambra on the PDP ticket following the 2003 elections. He was subsequently stripped of his office amidst allegations that the election had been rigged and his opponent, Peter Obi of APGA, was installed in his place. Obi himself was briefly impeached in a highly controversial move by PDP state legislators but was then reinstated and continues to occupy the governor’s office.

Vice-President Atiku Abubakar and the Action Congress

Nigerian vice president Atiku Abubakar emerged as one of two prominent opposition candidates for president in the April elections after his well-publicized feud with President Obasanjo led him to decamp from the PDP and accept the presidential nomination of the opposition Action Congress. Since then the presidency has presided over administrative proceedings that have indicted the vice President over the theft of more than \$145 million allegedly perpetrated when Abubakar was head of the government's Petroleum Technology Development Fund (PTDF).¹²¹ The presidency also engaged in a bid to force the vice president from his office, which would have stripped him of the immunity from criminal prosecution that he enjoys as vice president; that move was struck down by the courts but as of the time of writing the government's appeal is still pending.

INEC has announced its decision that the vice president's indictment disqualifies him from standing in the April polls and that his name will be excluded from the ballot. Abubakar is still fighting his exclusion from the April ballot in the court. Government critics argue that his indictment was orchestrated for the sole purpose of eliminating the PDP's most credible opposition challenger from the polls.

The vice president's exclusion from the ballot is troubling because it appears to fit into the same pattern as the broader campaign to exclude other prominent opposition candidates from the polls, which has been carried out in a selective manner and with scant regard for due process. Most worrying is INEC's assertion that even if Abubakar eventually prevails in the courts and obtains a ruling ordering INEC to place him on the ballot, INEC may disregard that ruling for the reason that it will by then have run out of time to print ballots that include the vice president's name. Maurice Iwu, chairman of INEC, told a press conference on March 15 that, "If INEC accedes to court judgments seeking to change candidates now, fundamental logistic problems would be created. And this may critically affect the ultimate efficiency and success of the elections."¹²²

¹²¹ See "Nigeria Senate Urges Action on VP," BBC News Online, February 27, 2007, <http://news.bbc.co.uk/2/hi/africa/6402241.stm> (accessed March 16, 2007).

¹²² Emmanuel Bello and Aliyo Machika, "Atiku not on INEC list," *Daily Trust*, March 16, 2007.

Alongside the attempt to exclude the vice president from the ballot, several of his aides and supporters appear to have been targeted for criminal prosecution. The head of the Atiku Campaign Organisation, Iyorchia Ayu, was arraigned before a federal high court, Abuja on a five-count charge of terrorism on February 23, 2007. Ayu, a former president of the Senate and government minister, was granted bail on self-recognition.¹²³

¹²³ *Nigerian Tribune*, February 26, 2007 at <http://www.tribune.com.ng/26022007/news/news5.html>.

The Response of Nigeria's International and Regional Partners

At a diplomatic level, Nigeria's international partners were not highly critical of Nigeria's 1999 and 2003 elections. Looking back on those polls in a recent interview with Human Rights Watch, one western diplomat described the bloodshed, corruption and outright rigging that characterized those polls as "bumps on the road" towards democracy and greater respect for human rights.¹²⁴ This attitude was largely reflected in the public responses of most foreign governments.¹²⁵

Nonetheless, in the years since 2003, western diplomats have repeatedly stated that the forthcoming polls must display clear improvements over the 2003 process.¹²⁶ UK government officials in particular have stated repeatedly that the 2007 vote must mark a "significant" improvement over 2003 and that anything less would be "unacceptable."¹²⁷ As the elections draw near, however, there is increasing reason to doubt that there is any substance to these rhetorical commitments.

The UK's Foreign and Commonwealth Office (FCO) has come closer than any of Nigeria's other foreign partners to articulating a coherent benchmark by which to measure the success or failure of the April polls in demanding "significant" improvements over 2003. However, there is no clarity in policymaking circles as to how that measurement will actually be made. Several FCO officials admitted as much to Human Rights Watch, with one official stating that "We don't have a detailed scorecard in comparison to 2003...The reaction of the Nigerian people is what determines the reaction of Her Majesty's Government."¹²⁸

¹²⁴ Human Rights Watch interview with western diplomatic official, Abuja, February 21, 2007.

¹²⁵ The White House put out a statement after the 2003 elections which read in part, "[t]he United States congratulates the people of Nigeria for what was largely a peaceful expression and exercise of their right to vote...[t]he widespread violence predicted by many did not happen." Statement on Nigerian Elections by the Office of the Press Secretary of the White House, May 2, 2003. African governments and the AU offered no criticism of the elections.

¹²⁶ Similar rhetoric has not been forthcoming from Nigeria's African partners.

¹²⁷ Human Rights Watch interviews with UK diplomatic officials, Abuja, August 2006 and February 26, 2007.

¹²⁸ Human Rights Watch interview with UK diplomatic official, London, February 26, 2007.

Among Nigeria's diplomatic partners and in western policymaking circles in particular, there is a widespread perception that Nigeria sits perpetually on the brink of potential disaster.¹²⁹ In situations such as elections that exacerbate existing political tensions, these concerns lead many foreign governments to behave as though any outcome that does not lead to widespread civil strife is inherently acceptable. In the context of elections and Nigeria's human rights record more generally, this has led Nigeria's key diplomatic allies to repeatedly set the bar so low that the Nigerian government can clear it without registering any meaningful improvement.

This problem of diminished expectations was clearly evident in international reactions to Nigeria's 2003 elections. For example, in its final report on the 2003 elections, the EU observer team put a positive spin on the deaths of at least 105 people in election-related violence, writing that "A positive feature of these elections was that levels of election related violence was significantly lower than feared."¹³⁰

In the run up to April's vote the same attitudes have manifested themselves in an unwillingness to criticize the Nigerian government's failure to address the problems afflicting the current process. Many foreign governments seem ready to accept purported evidence of good intentions as substitutes for concrete action on the part of the federal government, police and election officials. Echoing the sentiments of several other diplomatic officials interviewed by Human Rights Watch, one European diplomat said that he placed more importance on his belief that INEC Chairman Maurice Iwu "is trustworthy and believes in the importance of free and fair elections" than on the numerous indications that INEC and other institutions are failing to do their jobs.¹³¹

¹²⁹ In a report that generated considerable public and governmental outrage in Nigeria, the US Government's National Intelligence Council published a report in 2005 wherein an independent panel of experts speculated that the "outright collapse of Nigeria" by 2015 was a real possibility. "Mapping Sub-Saharan Africa's Future," National Intelligence Council, March 2005.

¹³⁰ "Final Report on the National Assembly, Presidential, Gubernatorial and State Houses of Assembly Elections," European Union Election Observation Mission (EUEOM), http://ec.europa.eu/comm/external_relations/human_rights/eu_election_ass_observ/nigeria/repo3.pdf (accessed March 12, 2007), p. 28.

¹³¹ Human Rights Watch interview with western diplomatic official, Abuja, February 22, 2007.

While going to great lengths to appear supportive of Iwu and INEC more generally, no western government has been forthrightly critical of the government's numerous failures in organizing the April polls and in ensuring that the rights and safety of voters are protected. One western diplomatic source acknowledged to Human Rights Watch that "there has probably not been nearly enough of that going on" from the US side.¹³² Other governments have done no better; as one Abuja-based diplomat put it, "Most heads of mission here are just not saying anything."¹³³

Just as worrying is that in the event that Nigeria's diplomatic allies do conclude the 2007 elections are not up to standard, it is not at all clear what if anything this would mean. US and UK officials, for example, have not articulated what consequences, if any, would follow an election they did not regard as "credible." As one UK diplomatic source put it, "We have not formulated anything yet as to what might be at stake."¹³⁴ More dramatic and difficult policy responses aside, it does not appear that any foreign government is even prepared to publicly condemn the electoral process even if it does turn out to mirror the "unacceptable" benchmark set in 2003.

African Union election observers in 2003 offered no criticism of the polls, instead praising their "congenial atmosphere" and making no mention of violence in their final statement.¹³⁵ Neither the AU nor ECOWAS has issued any public statements of concern in the run-up to the 2007 polls.

The European Union, Commonwealth, National Democratic Institute, International Republican Institute, Economic Community of West African States and possibly the African Union are expected to send substantial observer missions to witness the April polls. There will be no shortage of information for Nigeria's foreign and regional partners to draw on in formulating their responses to the elections. But it remains to be seen whether influential regional and foreign governments will be more honest in the conclusions they draw from that information than they were in 2003. As a leading

¹³² Human Rights Watch interview with western diplomatic official, Abuja, February 21, 2007.

¹³³ Human Rights Watch interview with western diplomatic official, Abuja, February 22, 2007.

¹³⁴ Human Rights Watch interview with UK diplomatic official, Abuja, February 22, 2007.

¹³⁵ Statement by the African Union observer/monitoring team on the 2003 presidential, gubernatorial and National Assembly elections in the Federal Republic of Nigeria.

official with one international organization that will field monitors to observe the April polls put it, “Let’s not cook up any new standards here just to make the elections look acceptable...when the international community takes that stance they are really condoning what is going on.”¹³⁶

If Nigeria’s April elections are as violent and as fraudulent as those of 2003, the international community would do a great deal of damage to its own reputation as well as to the hopes of Nigeria’s voters if it failed to describe the elections in a manner consistent with the experience of the mass of Nigerian society. The indefensibly positive reactions of western governments and regional organizations to the 2003 elections were demoralizing to Nigerian civil society and to ordinary citizens. They also signaled that any “insistence” by foreign governments that Nigeria conduct its elections in a credible manner need not be taken seriously by the Nigerian government. As one Nigerian civil society group put it in 2003, “Congratulatory messages by the American and British government to the PDP victors in this election have demoralized most citizens, since legitimacy has apparently been given to undemocratic practices by these western ‘champions’ of democracy.”¹³⁷

If the cycle of violence and corruption that passes for political competition in Nigeria is to be broken, credible free and fair elections are the proper starting point. The human rights situation in Nigeria can only improve if the right of the people to choose their own government is respected and defended first. That right is at serious risk in the upcoming elections. If the elections do not represent a significant step forward in Nigerians’ struggle to hold their leaders to account through legal means, those who attempt to paint an unjustifiably rosy picture of events risk casting themselves as enemies of democracy.

¹³⁶ Human Rights Watch interview, Abuja, February 22, 2007.

¹³⁷ “The 2003 elections in Ebonyi State: a report by the Human Rights Centre, Ebonyi State.”