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**NIGERIA AT THE CROSSROADS:
HUMAN RIGHTS CONCERNS IN THE
PRE-ELECTION PERIOD**

**A Human Rights Watch Briefing Paper
January 2003**

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Introduction

In April 2003, Nigerians are anxiously hoping to join the club of African nations that have made successful transitions from one elected civilian government to another. By one measure, “success” merely means a civilian-run election unaccompanied by a military coup—a feat Nigeria has yet to accomplish. But members of civil society, human rights activists, and some international observers are hoping the 2003 elections will succeed on a deeper level. They would like to see an election where voters and political candidates have the freedom to express their will without intimidation, fear, and bloodshed. A free and fair election without political violence, in turn, would deprive opportunists of a ready excuse to attempt to seize power through unconstitutional means.

This briefing paper identifies some of the potential sources of conflict and threats to human rights in the run-up to the Nigerian elections. It does not attempt to document in detail incidents of abuse in the pre-election period, but highlights Human Rights Watch’s main human rights concerns and makes recommendations to Nigerian government officials, would-be officeholders, and the international community on how these abuses could be prevented. The 2003 elections represent a critical step for Nigeria. Human Rights Watch believes that the recommendations in this paper, if implemented, would contribute to a successful election, and set Nigeria on the path to genuine democratic rule and longer-term respect for human rights.

Among the key recommendations to the government are that serious investigations and prosecutions be undertaken in cases of political violence, regardless of the political affiliation of the suspects; that effective steps be taken to ensure that all eligible voters are registered and provided an opportunity to vote, which requires that voters be educated on the electoral process; and that the electoral commission and police be fully prepared, including having the requisite funding, to guarantee elections free of human rights abuses. We urge foreign governments and international organizations to mobilize observers early for all stages of the elections and the pre-election period, to continue their support for Nigerian groups who will do the bulk of the monitoring work, to report openly all observations, and to strongly denounce any abuses. After providing a brief background, this paper first discusses the dynamics behind political violence, probably the most serious human rights issue in the months preceding the elections, and then discusses issues related to the preparation and conduct of elections. A full set of recommendations appears at the end of the report.

Background

Nigeria covers a geographic area filled with hundreds of ethnic groups and languages. When Nigeria achieved independence in 1960, the historical competition for political and economic power between ethnic groups and between regions did not abate. Since independence, the country has also been plagued by a brutal civil war, a series of military coups, the misappropriation of billions of dollars in oil wealth by the ruling elite, and the corrupt and authoritarian rule of successive military governments that systematically violated human rights with impunity.

The country had experienced only ten years of post-independence civilian rule (from 1960 to 1966 and again from 1979 to 1983) when, in 1999, the outgoing military government organized elections and imposed a new Constitution. Some Nigerians have said they would view the upcoming elections as a success if the process were only more democratic and less violent than in 1999. Although President Obasanjo’s government is often referred to as “democratically elected,” blatant election rigging and fraud were reported throughout the country in 1999, and it was widely understood that Obasanjo, a military head of state in the late seventies, was the preferred candidate of the outgoing military elite. In addition, the political field was limited to three parties: the People’s Democratic Party (PDP), which is the current ruling party, the All People’s Party (APP), and the Alliance for Democracy (AD). Sectors of Western

opinion, keen to embrace Nigeria's transition to civilian rule, overlooked the electoral misconduct and have since been broadly supportive of Obasanjo. However, a number of Nigerian organizations monitoring the 1999 elections were more critical, including the Transitional Monitoring Group (TMG), a civil society coalition that fielded about eight thousand observers throughout Nigeria. The Civil Liberties Organisation, a Nigerian human rights organization and prominent member of the TMG, concluded that "[v]iolence was the dominant feature of the elections in all the states in the South-South and South-East zones"¹ and a major factor in other regions.

Since President Obasanjo came to power in 1999, the country has not enjoyed the harmony that was hoped for: thousands of people have been killed in violent clashes, including hundreds of people killed by the army and police. Disillusion with the civilian government has grown, as violence and corruption have remained regular features of daily life. Impeachment proceedings against Obasanjo within the National Assembly in late 2002 sparked a political crisis. The threat of impeachment has since receded through political maneuvering. However, the impeachment motion was based on serious charges of breaching the Constitution that have still not been addressed. These include the massacre of hundreds of civilians by the Nigerian army in Odi, Bayelsa State in November 1999 and in Benue State in October 2001. Other charges related to financial corruption and mismanagement.

Freedom of expression is one of the few areas that have seen significant improvements under President Obasanjo's government. The media and civil society are generally able to express their views without the automatic threat of arrest, detention, or other abuse. Nonetheless, vibrant debate in the National Assembly, and sometimes in the media, has focused largely on sensational charges and counter-charges of corruption and abuse of power, rather than substantive discussion of problems facing the nation. The government tolerates a good deal of criticism, but has continued to resist many fundamental reforms. While members of Nigerian civil society and Human Rights Watch welcomed the registration of a sizeable number of new political parties in December 2002, it came too late to be likely to affect significantly the outcome of the 2003 elections.

The current government has failed to eliminate impunity for ongoing human rights abuses and has not reduced political violence or seriously attacked corruption. The government has also failed to reform the Constitution, which is considered deficient on a variety of grounds, chiefly because it was promulgated by the outgoing military government without meaningful popular consultation. That pedigree alone has made many in civil society distrustful of its terms. Although the government launched a process to review the Constitution as early as 1999, as did the National Assembly in 2001, neither review had been completed by the end of 2002. Organizations like the Citizens' Forum for Constitutional Reform (CFCR), a coalition of ninety Nigerian civil society groups, have consistently criticized the lack of transparency and opportunities for public participation in government. Meanwhile, untold numbers of individuals with ideas for improving life in Nigeria choose to remain outside of political life, either because they have become disenchanted, or because of the danger to themselves, their families and their communities if they become involved.

Political Violence

The use of violence as a political tool has remained pervasive across Nigeria, despite the return to civilian rule in 1999. Though the source of violence in many cases has been state or local politicians and other political actors outside of the federal government, the federal government to this point has lacked the political will to halt the spread of violence. Federal government and other officials have repeatedly made public statements condemning political violence, but these statements have not been backed up by any effective action. The potential for violence exists at virtually every level of government, between and

¹ Civil Liberties Organisation, 1999 Annual Report: A CLO Report on the State of Human Rights in Nigeria, 1999.

within regions, states, local government areas, and even (or especially) within political parties. Victims have included politicians and candidates, reformers who criticize abuses of power, and average citizens perceived as likely to vote for an opposing party or faction. Crimes committed with political motives have ranged from brutal killings to brief kidnappings of electoral officials to destruction of property. In the majority of cases, those responsible for these abuses have enjoyed impunity; few have ever been prosecuted.

Strong criticism of politicians' desperation to hold power through any means, including violence, is common within Nigeria's media and civil society. In response, Obasanjo presented an anti-violence bill in 2002, prohibiting violence in furtherance of a political objective; prohibiting the formation, arming or training of groups aiming to use force to promote factional interests; and banning violators from public office and political party membership for four years.² The National Assembly rejected the bill, citing technical reasons, and it is unclear whether similar legislation will be resubmitted. But even without special legislation, the government has the responsibility to provide security to its people and to undertake serious investigations and prosecutions, under regular criminal law, of those suspected of committing politically motivated violent crimes, regardless of their identity or political affiliation.

The victims of political violence have included high-level politicians. For instance, Justice Minister and Attorney General Bola Ige was shot dead in his home in the southwestern city of Ibadan in December 2001; he is the most senior government figure to be killed since the transition to civilian rule in 1999. There is little doubt that the killing was politically motivated, although the real motive has not been confirmed. One explanation is that the killing was linked to an internal power struggle between the governor and deputy governor in his home state Osun; Bola Ige was perceived as a supporter of the governor. In October 2002, thirteen suspects were charged with his murder, including a brother of Osun's then-deputy governor, Iyiola Omisore, and a member of the Osun legislature. Omisore was impeached and removed from office in December 2002 and arrested soon after in connection with Ige's assassination.

There was also strong, credible evidence that the killing of Barnabas and Abigail Amaka Igwe in Onitsha, Anambra state, in the southeast in September 2002 was politically motivated and linked to Barnabas Igwe's powerful public criticisms of the Anambra State governor.³ Barnabas Igwe was chair of the state branch of the Nigerian Bar Association and, shortly before his death, had openly called for the governor's resignation because of the state's failure to pay government workers for several months. In the days preceding the killing, Igwe and other close colleagues who had denounced government abuses received direct threats from senior officials in the Anambra state government; close associates were also threatened as soon as the day after the killing. In the past, the Anambra state government has used the Bakassi Boys, a vigilante group officially endorsed by the state and known as the Anambra Vigilante Services, to intimidate and kill opponents.⁴ Although the federal police finally arrested members of the group operating in Anambra and Abia states in August and September 2002, by January 2003 none of them were known to have been prosecuted, and there were reports that some had been released.

The national deputy chairman of the United Nigeria People's Party, Isyaku Mohammed, was shot in the head in his home in the northern city of Kano on September 22, 2002; his wife in another room heard the shots but nothing was stolen from the home. He had been a vocal critic of the federal government. Other

² H.B. 221, Prohibition of Violence (in the Conduct of Political Affairs, etc.) Bill, 2002.

³ See Human Rights Watch press release, "Nigeria: Government Critics at Risk After Political Killings," September 19, 2002.

⁴ See Human Rights Watch/CLEEN report, "The Bakassi Boys: The Legitimization of Murder and Torture," May 2002.

high-profile killings around the country also appear to have been politically motivated, although in many cases no prosecutions have taken place.

Use of Thugs

Politicians and would-be politicians on all sides have used thugs to commit brutalities against opponents. While both federal and state politicians have unlawfully commandeered the security forces, several state governors have also organized their own personal armed groups, often referred to by Nigerians as their “private armies.” In some cases, these have been vigilante groups, such as the Bakassi Boys in Anambra and Abia states, whose activities have extended from purportedly fighting crime to targeting opponents of the state government.⁵ The easy availability of small arms in Nigeria facilitates the equipping of vigilante groups and “private armies,” making the resort to violence more likely—and more deadly. In addition to their brutality, these groups exploit and corrupt the “thugs” themselves. The availability of otherwise unemployed youth—and adults—to form armed groups is part of a vicious cycle of poverty and violence.

Federal versus state politicians’ fight for control of states

In some areas, state officials and federal politicians from the same state (referred to as the “Abuja group” after the federal capital) have fought for control of the state. This phenomenon has occurred primarily within the ruling People’s Democratic Party (PDP). Violence has increased in states with this type of often very personalized competition, with the police, a federal institution, sometimes siding with one group or the other. The conflict has also generated violence within state legislatures in several states, where one faction of the state house of assembly supports the Abuja faction and another supports the governor.

In Enugu State, the legislators supporting the Abuja group reported feeling so insecure that they relocated to Abuja in August 2002, returning to Enugu only with a police contingent. The crisis dragged on in October when the federal House of Representatives resolved to take over legislative functions for the state. In Abia State, the state house of assembly has been split between Governor Orji Uzor Kalu’s supporters and those perceived to support the national Transport Minister Ojo Maduekwe and PDP National Secretary Vincent Ogbulafor. The “Abuja group” supporters, constituting thirteen of the assembly’s twenty-four members, have met in parallel with the “home group” and each group has passed its own decisions at separate venues. The state assembly grounds have been locked or some legislators physically prevented from entering at various times.

Conflict between “Abuja group” and “home group” politicians also existed in several other states, including Ebonyi, Delta, Edo, and Plateau.

Battles for Control of Resources

Violent in-fighting was a regular element at primaries for local council elections of the ruling PDP in July 2002. Such conflict was particularly common in the oil-producing areas of the Niger Delta, in the south of Nigeria, where the huge resources at stake have intensified the political competition. In oil-rich Bayelsa State, one of the areas worst affected by political violence, dozens of members of opposing local PDP factions were killed. For example, in Nembe local government area, conflict between factions revolved around controlling the relationship with multinational oil companies, as is typical in many communities of the delta region. A local human rights group reported that the PDP faction supporting Lionel Jonathan, state commissioner for environment and campaign manager for the Bayelsa State

⁵ Ibid.

governor, was responsible for violence that resulted in twelve deaths on July 5, the day of the primary;⁶ policemen were also alleged to have participated in the violence. A reprisal rampage, reportedly by supporters of the governorship candidate N.B.P. Barigha-Amange in the Nembe town of Ogbolomabiri, resulted in the killing of at least thirty people; frightened residents subsequently abandoned the town.⁷ It was also reported in Bayelsa that PDP election materials were “hijacked” for rigging by politicians; terminals and helicopters of a locally operating oil company were used for voting and transportation of election materials; local elections officials were taken hostage; and several party members received death threats.⁸

Violence along regional, ethnic and religious divides

Division within Nigerian society along regional, ethnic, and religious lines is a longstanding and complex issue, which this document cannot begin to address comprehensively. The divisions have often overlapped, and the complicated history of tensions varies throughout the country. In addition, conflicts that seem ethnic or religious on the surface are often driven by competition for political and economic power and resources. Instead of attempting a deeper analysis, this paper will point out some of the major divisions that exist, and stress the point that strong religious, ethnic, and regional sentiments in Nigeria have been manipulated for political ends, intensifying the violence associated with political competition.

Regional politics have been the key to the allocation of the presidency in the past. The 1999 electoral victory for Obasanjo, a former general and military head of state from the southwest, resulted from a political compromise by predominantly northern military leaders. They supported his bid for presidency in part to allay resentment of the north’s perceived monopoly on national power. In the event, Obasanjo received little support from the southwest in 1999, because he was perceived as a stooge of the north. However, by 2002, northern support for Obasanjo had waned and the impeachment threat further weakened his grip on power, encouraging others to enter the field. Having won the ruling PDP’s presidential nomination, one of the strongest opponents Obasanjo will face in the elections is a former military head of state from the north, Muhammadu Buhari of the All Nigeria People’s Party (ANPP), who led the coup against a civilian government in 1983. If the informal power-sharing promises exchanged in 1999 are broken—or some groups feel or claim they have been broken—further inter-regional conflict and secessionist movements could resurface.

Regional and ethnic tensions have often played out at local levels, due in part to extensive migrations that have resulted in ethnically mixed populations in many areas, and in part to the emergence of ethnic militia and vigilante groups, which have carried out widespread human rights abuses in the recent past. For example, over the last several years, the O’dua People’s Congress (OPC), a Yoruba militia and self-determination group active in the southwest, has used violence, including summary executions, while providing vigilante crime enforcement “services” in southwestern states. It has also been actively involved in ethnic violence between Yoruba, Hausa, and other ethnic groups, and although this type of violence has decreased in recent months, regional and ethnic divisions persist. In some areas, such as Ondo State, the OPC has also intervened in battles over local traditional leadership positions to intimidate supporters of an opposing faction. The OPC and similar groups have the potential to play a deadly role in advancing candidates’ political interests in the coming elections.

⁶ Ijaw Council for Human Rights (ICHR), “Ballots of Blood: Report of the July 2002 People’s Democratic Party Primaries in Bayelsa State, Nigeria,” August 2002. See also Kelvin Ebiri, “Dozens killed as factions battle for influence in oil-rich Niger Delta,” Associated Press, July 23, 2002.

⁷ Ibid.

⁸ ICHR, “Ballots of Blood.”

The introduction of shari'a-based criminal codes in twelve northern states has stretched the widening chasm between north and south, and between Muslims and Christians in heavily mixed states. While Muslim-dominated northern states have long used shari'a in their civil legal system, it has only been since 1999 that they have gradually introduced it into criminal law. Although the federal government has claimed it will not allow some of the more controversial criminal sentences to be carried out, many believe Obasanjo is loathe to alienate further his supporters in the north, a region whose past support has been politically crucial. Sparked by the introduction of shari'a law into state criminal codes, violent riots erupted in some northern states between Christians and Muslims in 2000, particularly in Kaduna, a northern city with large Muslim and Christian populations. Strong emotions continue to accompany debates over how much leeway states should have to maintain conservative social values and to implement shari'a law. In November 2002, at least 250 people were killed in Kaduna in riots set off by protests against a newspaper article perceived as blasphemous by some Muslims. Many observers of the 2002 crisis in Kaduna believed that there was a political element to the violence, with pro-shari'a Muslim factions in the state pitted against the governor, who, despite being a Muslim himself, is perceived by some as too willing to make concessions to Christians and as a strong ally of Obasanjo.⁹

Some aspects of the 1999 Constitution may have exacerbated tensions between Nigeria's many ethnic groups. Although the Constitution speaks of Nigerian citizenship and accords the same basic rights to all Nigerians, professing to infuse the nation with a "federal character,"¹⁰ it fails to resolve the problem of "indigene"-related discrimination. In many states, so-called indigene populations view themselves as native to a particular area and claim greater rights and privileges than those perceived as "strangers" or "settlers." Despite the claims of "indigenes," the supposed outsiders have often been in the relevant area for generations, and it is the only home they know. In the frantic competition for political and economic power, including lucrative government posts, feelings of resentment and marginalization have grown among both "indigene" and "settler" groups, both of which have blamed economic troubles on the perceived dominance of the other group. The Constitution does little to protect against the danger of candidates' invoking "indigene" status in a desperate attempt to hold onto or grab power in the approaching elections. Indeed, the Constitution reinforces the concept in its requirement that the President appoint at least one "indigene" minister from each state.¹¹ Members of Nigerian civil society have launched a campaign for a constitutional provision prohibiting "indigene"-related discrimination.¹²

Killings and violence have erupted between "indigenes" and "settlers," particularly in the middle belt states of Benue, Taraba, Nasarawa, and Plateau. Because the categories of "indigene" and "settler" usually overlap with ethnicity, and sometimes with religion, the conflicts have acquired added ethnic or religious dimensions. Often cast as age-old ethnic or even religious disputes, they have resulted principally from leaders' conscious manipulation of such categories to maintain political power or the unequal distribution of jobs and resources. Though many of these tensions are at least decades old, they appear to have intensified in some areas since 1999.

In one of the worst recent tragedies, Human Rights Watch documented killings in Jos, Plateau State, where it is estimated more than one thousand people lost their lives in a conflict between Christian "indigenes" and Hausa Muslims over seven days in September 2001.¹³ Jos was previously considered a haven of relative peace, despite the tension that had been building for years. The September 2001 events

⁹ Human Rights Watch interviews, Kaduna, December 8-12, 2002.

¹⁰ Constitution of the Federal Republic of Nigeria, 1999, ss. 14, 171.

¹¹ Constitution of the Federal Republic of Nigeria, 1999, s. 147.

¹² Citizens' Forum for Constitutional Reform, *Memoranda submitted to the Presidential Committee on Provisions for and Practice of Citizenship and Rights in Nigeria & the Presidential Committee on National Security in Nigeria*, 2002.

¹³ See Human Rights Watch report, "Jos: A City Torn Apart," December 2001.

demonstrate the devastating speed with which inter-communal conflicts in Nigeria can escalate when government officials or community leaders fail to assuage mutual suspicion and when the security forces are unable or unwilling to intervene. Since September 2001, sporadic violence has continued to plague many areas in Plateau State, claiming scores of lives in 2002.

There is a continuing danger that tensions in Plateau will be exacerbated and exploited by local politicians seeking to attract, or suppress, voters from one or another ethnic group. In the worst case scenarios, candidates or their supporters could encourage intimidation of those perceived to be in opposite political camps, in a direct attempt to remove them from the electorate by forcing them to flee—or by killing them outright. For example, in one ethnically diverse ward of Jos North where the PDP held its local congress on May 2, 2002, fighting broke out between the ethnic groups that consider themselves “indigenes” and Hausa/Fulanis viewed as “settlers.” The venue of the ward congress had been changed at the last moment to a neighborhood that was predominantly “indigene,” and Hausa/Fulanis who arrived in very large numbers to the venue accused the “indigenes” of attacking them with bows and arrows once they had assembled and burning hundreds of their automobiles parked at the venue. The “indigenes,” on the other hand, accused the settlers of invading the venue in an intimidating manner, including by bringing in large numbers of people from other states in order to inflate their numbers. Scores of people were killed and fighting spread to surrounding neighborhoods. Some witnesses reported seeing very little security presence at the political venue, and accused police forces of unprovoked attacks and killings once the fighting had begun.¹⁴

Ethnic confrontations also preceded the 1999 elections in some areas. For example, in Toto, Nasarawa state, where the Igbira and Bassa tribes clashed in 1998, one hundred thousand Bassa reportedly fled the area, thus weakening their political voice in Toto and exposing them to further abuses arising from their displacement. Toto was one of the areas where voter registration was suspended in September 2002 because of the alleged danger of violence, although the Independent National Electoral Commission (INEC) said voter registration eventually did take place there.¹⁵

Shifting Alliances and “Godfathers”

Alliances have shifted not only at the level of inter-regional relationships, but also between individuals. In particular, the break-up of “godfather” relationships—where prominent businesspeople sponsor political candidates—has been a source of violence when a godfather feels that his protégé has not sufficiently served his interests.

One of the most striking examples is Kwara State, where the governor, Mohammed Lawal, has defied his more conservative mentor Olusola Saraki. Although both originally were members of the All Nigeria People’s Party (ANPP), Saraki encouraged his supporters to swing to the ruling PDP. Supporters of both men have used political thuggery, and bloodshed in Kwara has ensued.¹⁶ On August 15, 2002, Kwara state chairman of the PDP Ahmed Pategi was gunned down in his car by unknown attackers. Representatives of both the state government and Saraki have claimed that Pategi was allied with them and that their respective opponents therefore had a motive for the killing.¹⁷ While the identity of the perpetrators remains unconfirmed, it seems credible that it was politically motivated, in view of the

¹⁴ Human Rights Watch interviews, Jos, December 13-16, 2002.

¹⁵ Human Rights Watch interview with Abel Guobadia, INEC chairman, Abuja, December 9, 2002.

¹⁶ Human Rights Watch interviews with government officials, victims, and witnesses, Ilorin (Kwara state) and Lagos, December 2002.

¹⁷ Human Rights Watch interviews with Bukola Saraki (Olusola Saraki’s son) and with Rasaan Lawal, Kwara State Commissioner for Special Duties, Ilorin, December 18, 2002.

tensions existing at the time within the PDP and between the PDP and ANPP. No serious official investigation appears to have taken place.

On November 15, 2002, there was an explosion at the offices of the *National Pilot*, a newspaper published by Saraki's son Bukola Saraki, who was subsequently nominated as the PDP gubernatorial candidate for Kwara. The explosion seriously injured five people and destroyed the newspaper premises in Ilorin, the capital of Kwara state. Representatives of Saraki believed that the governor's thugs carried out the bombing in retaliation for the paper's accusations against the governor. The governor, in turn, accused the Sarakis of planning the explosion themselves to discredit him.¹⁸ In this case, the federal government promised a police investigation; seven people were arrested within a few days, and several more by the end of December.

In Anambra state, Governor Chinwoke Mbadinuju's former "godfather," Emeka Offor, became one of his fiercest opponents after Mbadinuju was elected in 1999. While the governor has had the Bakassi Boys on his side in the past, Offor and others have set up the Anambra People's Forum to support a rival candidate in 2003. A leader of the group has said, "Nobody is afraid of violence. If heads will roll, it's people's heads that will roll and it could be Mbadinuju's head that will roll first."¹⁹ There is a serious danger that both groups will resort to armed violence in the approaching elections, against each other and even against voters perceived to support the opposition.²⁰

Role of Police

In November 2002, the Inspector General of Police announced the dispatch of additional mobile police units to states with a particular danger of clashes that could disrupt elections. While this proactive measure is to be commended, the excessive use of force that often characterizes Nigerian police activities must be prevented, especially in the election context where emotions will be running high. Extra-judicial executions and other serious human rights violations by the police remain a widespread phenomenon across Nigeria. "Operation Fire-for-Fire," launched in 2002 by the police in an attempt to deter violent crime, and an order in October 2002 by the Inspector General of Police to shoot on sight rioters who "attack" police stations, highlight the culture of conflict between police and the population. Fundamental reforms are needed to address patterns of persistent human rights abuses, corruption, and inefficiency in the maintenance of law and order.²¹

In addition to the problem of excessive use of force, the police are susceptible to being commandeered for political purposes. Only well-trained and politically and ethnically impartial police are likely to have the legitimacy necessary to prevent violence and establish a foundation for peaceful coexistence among different groups. Unfortunately, the use—real or perceived—of police for purposes other than protection of the general population has meant that their deployment often has done little to ease tensions.

¹⁸ Human Rights Watch interview with representative of Bukola Saraki, Ilorin, December 17, 2001; Human Rights Watch interview with Rasaq Lawal, Kwara State Commissioner for Special Duties.

¹⁹ Statement by Group Captain Nnamdi Nnorukah, leader of Anambra People's Forum, in *Tell* magazine, March 11, 2002.

²⁰ Of the 21 states with incumbent PDP governors, Mbadinuju is the only one who failed to win the party's nomination in late December 2002; the party postponed Anambra's gubernatorial primaries to sometime in January 2003.

²¹ See "police reform" recommendations in the Human Rights Watch/CLEEN report, "Bakassi Boys: The Legitimization of Murder and Torture."

Preparation and Conduct of Elections

The rule of law is a basic element of a peaceful electoral process. But in Nigeria, the difficulty of determining what the law requires in terms of preparation and conduct of elections has made respect for that law difficult. The Electoral Act of 2002 followed a twisted course through the National Assembly, presidency, and courts and left many unresolved issues, including when and how the voters' register will be finalized, and when local government elections will take place. The vagueness and confusion surrounding issues of procedure provide an opportunity for abuse by politicians, their supporters, and election officials.

The Independent National Electoral Commission (INEC), originally created by military decree in 1998, is charged with registering voters, registering political parties, setting up rules, monitoring and auditing the political parties' operations and campaigns, and ultimately conducting the elections.²² While INEC is responsible for the national election process, State Independent Electoral Commissions (SIECs) are responsible for overseeing local elections, on the basis of a voter register supplied by INEC. INEC has a Resident Electoral Commissioner in each state as well as an appointed Electoral Officer for each local government area (LGA); each LGA is subdivided into wards and then registration centers.

INEC has been heavily criticized for not living up to its name, and is viewed by many in civil society as being under the thumb of the federal government, not least because all INEC commissioners are members of President Obasanjo's ruling party. While INEC has been blamed for problems with voter and party registration (see details below), it has repeatedly complained that the federal government has not released the funding for it to complete its jobs in good time. It said in October 2002 that the 2003 elections might be jeopardized if the National Assembly did not approve a N19.8 billion (approximately U.S. \$155 million) supplementary budget request. In December 2002 it announced it needed N35 billion to complete voter registration and conduct general elections. In January it requested N28 billion needed to conduct general elections, saying that N27 billion released to it in December would be insufficient.²³ INEC's many critics have responded that the lack of funding has been used as an excuse for general inefficiency, and in any case cannot justify a lack of independent decision-making.

Electoral Act and Timing of Elections

INEC finally announced the general election timetable on December 20, 2002: elections for the National Assembly are scheduled for April 12, 2003; the gubernatorial and presidential contests for April 19, with April 26 and 29 set aside for runoff polls. Elections for the state houses of assembly are then scheduled for May 3. Politicians at all levels have been accused of trying to manipulate strategically the timing of elections to serve their own political ends. The December announcement followed more than a year of conflict between the president, National Assembly, and INEC over the date of elections. After provisions of the Electoral Act of 2001 had been found unconstitutional, the Electoral Act of 2002 was passed by the National Assembly and sent to the president in August 2002, who requested combining the Electoral Act with the bill on political violence. When the president effectively vetoed the Act by failing to approve it

²² Decree No. 17 of 1998.

²³ "2003 Polls in Jeopardy, says INEC," *This Day*, October 25, 2002; "INEC needs N38bn for elections-Guobadia," *The Guardian*, December 12, 2002; "INEC needs N30bn for 2003 Elections," *The Vanguard*, December 13, 2002; Chuks Okocha, "2003: Independent National Electoral Commission Requests Extra N28bn," *This Day*, January 12, 2003.

within thirty days, the National Assembly acted to override the veto. INEC then successfully challenged the Act in the courts on constitutional grounds.²⁴

Although the date for general elections has been set, the date for local council and chairman elections has yet to be determined. Local elections, originally scheduled for May 2002, have twice been postponed because of unresolved voter and party registration processes. Because the local polls cannot be held until sixty days have elapsed from the completion of voter registration, critics have accused the government of purposely delaying the voter registration process to ensure that local elections, expected to reveal widespread disenchantment with Obasanjo's governance, would not take place until after he had won the PDP ticket.

Adding to lingering uncertainty about election schedules is the possibility of a constitutional amendment adjusting the term limits and lengths of tenure for the president and state governors, currently restricted to two four-year terms. The Joint National Assembly Committee on Review of the 1999 Constitution has recommended constitutionally entrenched rotation of the presidency among Nigeria's six geopolitical zones and a single five-year term for the president and governors.²⁵ The committee's proposal contemplates implementation of the changes before the current presidential tenure expires on May 29, 2003, though it is not clear whether that is realistic given the short time remaining.

Registration of Voters

The Nigerian government has an international obligation to respect the right of citizens to participate freely in choosing their government.²⁶ An effective and accurate voter registration process was widely viewed in Nigeria as a first test of the government's ability to guarantee electoral participation without rigging or intimidation. However, widespread fraud and disorder during a ten-day voter registration exercise in September 2002 threatened to undermine the legitimacy of the entire electoral process. The federal government acknowledged that the registration process had been plagued by "serious malpractices."²⁷ Although the Nigerian people turned out in large numbers to register, officials at all levels reportedly abused their control over voter registration cards, withholding them in certain areas to prevent voters from registering at all and in others turning them over to politicians, sometimes for a fee. In some cases it was reported that parties or politicians bought registration cards directly from voters. Multiple registration and registration of ineligible minors, some of them clearly underage, were reported. INEC announced in November that some voters had covered their fingers with palm kernels when making fingerprints in order to get around an electronic system designed to recognize multiple registration.

Selective registration of voters, depending on their perceived political persuasion, was also reportedly widespread. In Rivers State, the Movement for the Survival of the Ogoni People (MOSOP) reported that members of the major political parties replaced INEC-trained temporary staff in order to perpetrate systematic fraud and that significant numbers of people were turned away from registering because of insufficient materials.²⁸ Turning away of registrants was also reported in Lagos and other areas around the country. In Edo State, the resident electoral commissioner reported that over 22,000 registration forms had disappeared after being released to local units in Uhunmode local government area.

²⁴ Constitution of the Federal Republic of Nigeria, 1999, s. 58(5).

²⁵ Constitution of the Federal Republic of Nigeria, 1999, ss. 135, 137, 180.

²⁶ International Covenant on Civil and Political Rights, art. 25, acceded to by Nigeria July 29, 1993; African Charter on Human and Peoples' Rights, art. 13, ratified by Nigeria June 22, 1983.

²⁷ "Nigeria confronts voter card sales," Associated Press, Sept. 18, 2002.

²⁸ MOSOP, "Interim Voter Registration Exercise Observation Report," September 2002.

There were reports that the registration process was halted altogether in parts of the “middle belt” plagued with inter-ethnic violence.²⁹ INEC officials claimed they had suspended registration in response to security reports warning that the exercise could lead to renewed violence in these areas. For example, registration was suspended in Toto local government area in Nasarawa state, where the Igbira and Bassa people had clashed in 1998. INEC reportedly planned to hold registration in the Toto area of Nasarawa from October 31 to November 4, 2002, following assurances from the local communities that relations between the Igbira and Bassa would be peaceful. According to Abel Guobadia, the INEC chairman, registration in Toto did eventually take place.³⁰

Even in areas where registration was not officially suspended, there were complaints that registration began late or never took place at all because of lack of materials. It is a matter of concern that INEC apparently has not made concrete plans for ensuring that people in remote areas or those displaced by conflicts will be able to register or vote. The INEC chairman, Abel Guobadia, told Human Rights Watch in December 2002 that the need for mobile polling units would be ascertained when the register of voters was vetted for geographic “gaps” in registration. However, he claimed that mobile polling units were unlikely to be an issue in any case, since “most of the problems with registration occurred in urban rather than rural areas.”³¹ Yet many of the people displaced by conflicts are from predominantly rural areas.

For several months after the September 2002 exercise, INEC had still not publicized its plan for completing the general voter registration, let alone any special plans for problem areas. A second three-day phase of registration was finally held from January 21 to 23, 2003, but registration occurred only at the local government area headquarters, rather than at the 120 thousand polling centers available in the previous exercise; people in rural areas were required to travel in order to register. A strong likelihood exists that, even after this second period of registration, some eligible voters still will have been unable to register.

Some provision must be made for these people; the official period for claims and objections following the posting of the register of voters, now planned for sometime in February, offers an opportunity to do so. However, without a clear plan, the danger will remain that many Nigerians could be prevented from voting when they turn up on election day and the resulting anger could degenerate into violence. In a statement reflecting the general anti-INEC sentiment in many parts of the country after the September 2002 registration effort, MOSOP wrote to the Rivers State resident electoral commissioner: “I should also warn that unless we see the most vigorous action from INEC to set this situation to rights, including an extension of the exercise which now seems necessary, INEC will inevitably face serious protests from people in Ogoni who are being disenfranchised.”³²

New Political Parties

In the 1999 elections, only three national political parties were officially recognized: the People’s Democratic Party (PDP), the Alliance for Democracy (AD), and the All People’s Party (later renamed as the All Nigeria People’s Party (ANPP) due to a factional split). In 2002, around thirty groups applied for recognition. INEC initially recognized only three additional parties, namely the All Progressive Grand Alliance (APGA), the National Democratic Party (NDP) and the United Nigeria People’s Party (UNPP). The rationale for INEC’s decisions was unclear and the lack of transparency in the process was sharply criticized. Several of the unrecognized parties launched a court challenge to their exclusion, claiming it

²⁹ “Nigeria halts registration in trouble spots,” BBC News, September 18, 2002.

³⁰ Human Rights Watch interview with Abel Guobadia, Abuja, December 9, 2002.

³¹ Ibid.

³² Letter from MOSOP to Rivers State Resident Electoral Commissioner, Port Harcourt, Sept. 17, 2002.

was designed to protect the existing political and military elite and that INEC had exceeded its authority in setting several of the registration requirements.

On November 8, 2002, the Supreme Court declared the majority of INEC's challenged rules unconstitutional. Among the INEC guidelines struck down were requirements that the parties have offices in two-thirds of the states and that they submit a list of names and addresses of their officers and candidates. Uncertainty about the final status of political parties lingered until December 3, when INEC announced that twenty-two new parties would be recognized; two additional parties were announced in mid-December, bringing the total contesting the 2003 elections to thirty.

Human Rights Watch, along with many Nigerian human rights organizations, welcomed the registration of these additional parties and the resulting opening of political space, although the long-standing uncertainty contributed to general misgivings surrounding the elections and INEC's independence. To make this new registration meaningful, the Electoral Act was amended in January 2003 to extend INEC's deadline for parties to submit their candidates for national office. However, INEC's January 2003 announcement of very substantial "processing" fees for each candidate placed a new obstacle in the way of the less established parties. The newly registered parties are also at a clear disadvantage in terms of the very short time left for them to campaign and prepare for elections.

Monitoring of elections

It is ultimately the responsibility of the Nigerian government to protect voters from election-related violence and intimidation and to prevent and punish other forms of political violence. Nonetheless, Nigerian non-governmental groups and the international community also have a role to play in monitoring the conduct of elections, denouncing the abuses they observe, and reminding the government and political parties to refrain from violence and to respect human rights. Unfortunately, to date INEC has had a less-than-productive relationship with some Nigerian non-governmental organizations, which it accuses of partisanship. On the other side, some of these organizations have openly called for the INEC chairman to resign because of incompetence and lack of independence. The lack of cooperation was notable when national NGOs sought to monitor voter registration in September 2002. Just a few days before the voter registration was set to begin, INEC introduced a last-minute requirement that monitoring groups pay N100 per monitor, a burdensome requirement for groups like TMG planning to field thousands of monitors. The groups scrambled to find a solution to the new requirement, but in the end many of the monitors did their work without INEC's official recognition. INEC has said that observer groups will need to be re-certified in order to monitor elections in April and May. Nigerian groups remain engaged in the observation planning process and are preparing to field large numbers of monitors again for the 2003 elections, so the cooperation of INEC will be critical.

The participation of observers from foreign governments and international organizations can also play a role in minimizing electoral violence. Strong statements from foreign government officials and institutions on the importance of violence-free elections could encourage the relevant Nigerian government agencies and officials to do all they can to prevent political violence and bring to justice those responsible. Broad participation by foreign government and international observer missions, in terms of both timing and geographical spread, could help reduce the level of violence by increasing the political cost of acts of violence through exposure to international scrutiny. But their greatest contribution may be in continued funding and support for Nigerian groups who will field a far greater number of monitors.

Crucially, governments and organizations planning to monitor the elections should ensure that their monitors are deployed well in advance of the actual election dates, in order to observe and assess abuses such as intimidation or violence that typically occur in the weeks preceding elections, rather than only on

election day. Several governments and international organizations, including the U.S., U.K., the European Union, and the Commonwealth, were planning to send observer delegations to Nigeria, although in December they had not yet finalized the details of their plans.³³ The E.U., at the instigation of the U.K., was reportedly planning to send fifteen to twenty two-person teams to monitor developments, possibly beginning in early March.³⁴ However, it was reported that no international or national group had been able to make extensive plans for monitoring the additional three-day voter registration period in January 2003.³⁵

Recommendations to the Nigerian Government and Political Parties:

Undertake prosecutions

- Government and judicial authorities should undertake prosecutions of persons implicated in political violence whatever their political affiliation; those prosecuted should include persons who ordered or organized the violence as well as those who carried it out.
- In the absence of legislation dealing specifically with political violence, offenders should be tried under existing criminal laws, including conspiracy.

Oppose violence and discrimination

- Political parties and candidates should make anti-violence campaigns an explicit part of their platform, and publicize their anti-violence stance.
- Political contestants at all levels should refrain from invoking religious, ethnic, or “indigene”/“settler” status in an effort to build support from voters, as such statements are likely to increase ethnic tensions, especially in the pre-election period.
- Federal and state governments should publicly condemn discrimination on the basis of “indigene” or “non-indigene” status and work actively to prevent such discrimination.

Use police appropriately

- Federal and state government and police officials should ensure that the police play a politically neutral role in maintaining law and order during the preparations and conduct of elections. On no account should federal or state officials attempt to use the police as their own personal armed force.
- The government should deploy police in adequate numbers outside polling stations to prevent violence and ensure voters’ security.
- Government and police officials should emphasize that the police are required to protect all Nigerians, regardless of their ethnic origin or political opinions, and that the police should never answer to individual politicians.
- Police must not use excessive force in the event of violence related to elections. They should arrest those suspected of violence or electoral misconduct.
- Disciplinary action should be taken, as appropriate, against police who take part in political violence, commit extra-judicial executions, or perpetrate other human rights violations.

Finalize election plans

- The federal government should release adequate funds to INEC for it to carry out its mandate to run free and fair elections.
- INEC should complete and post the register of voters and resolve any claims or objections fairly and expeditiously.

³³ Human Rights Watch interview with representative of British High Commission, Abuja, December 7, 2002; Human Rights Watch interview with representative of USAID/Nigeria, Abuja, December 9, 2002.

³⁴ Roundtable discussion, “Nigeria’s 2003 Elections: Challenges Ahead,” sponsored by National Democratic Institute (NDI), The Carter Center and Center for Strategic and International Studies, Washington, D.C., January 17, 2003.

³⁵ Human Rights Watch discussion with Titi Ptso, International Elections Observation Coordinator, NDI-Nigeria, Washington, D.C., January 17, 2003.

- INEC should guarantee that the process of production and distribution of ballots is transparent, to avoid some of the pitfalls that occurred with the September 2002 registration process.
- State election officials should release a schedule for local government elections as soon as possible.
- Following the elections, the government and National Assembly should consider revising laws and regulations to better regulate future elections. In particular, provisions that impede the electoral commission's ability to operate independently should be reviewed.

Conduct elections fairly and prevent electoral fraud

- In particularly volatile areas such as the “middle belt” and the Niger Delta where a violent response may be expected by voters frustrated in their efforts to register or vote, officials should redouble their efforts to ensure that citizens are treated fairly and have an opportunity to register and vote. For example, INEC should consider the use of mobile polling stations in areas where there are many displaced people or where it would be difficult for far-flung populations to reach a regular polling unit.
- INEC should be vigilant in ensuring that local party members do not replace trained temporary staff.
- INEC should replace electoral officers who participated in wrongdoing during the September voter registration exercise.

Provide voter education

- The government should expand campaigns to educate all citizens on their right to vote and the procedures that must be followed to exercise that right; in order for this education to proceed effectively and with minimal confusion, the government and INEC must finalize voting procedures as soon as possible.
- The government should also intensify campaigns against electoral violence, expand public awareness of the impact of violence, and increase education on alternatives to violence, at the grassroots level.

Cooperate with election monitoring groups

- INEC should encourage and cooperate to the greatest extent possible with national and international groups seeking to monitor elections, since observer missions may be helpful in deterring political violence, intimidation, and fraud. INEC must clearly establish the criteria for recognition of observer groups well in advance of elections.

Recommendations to the International Community:

- Independent international election monitors should mobilize to observe not only national and state elections in April and early May, but also local elections whenever they are scheduled.
- It is crucial that such groups also monitor conduct in the pre-election period when violence is likely to be most intense.
- International election monitors must report publicly, accurately, and candidly on their observations and strongly denounce any abuses they observe.
- Observers should disperse themselves geographically throughout the country. Because resources may be limited, observer delegations should coordinate with one another to ensure that a broad distribution of observers is achieved, with a particular concentration in locations likely to be volatile.
- Foreign governments and inter-governmental organizations should make strong public statements emphasizing the importance of violence-free elections to the future of Nigeria and the legitimacy of its government.
- Before and after elections, foreign governments and inter-governmental organizations should maintain pressure on the Nigerian government to bring to justice the perpetrators of political violence and other serious human rights violations.