

## **Nigeria’s 2003 Elections: The Unacknowledged Violence**

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*In most of the [polling] units, there were no elections—just a triumph of violence.*

- Human rights activist and election observer, Rivers State, April 16, 2003.

## **I. Summary**

Both Nigeria's federal and state elections in 2003 and local government elections in 2004 were marred by serious incidents of violence, which left scores dead and many others injured. The scale of the violence and intimidation, much of which went unreported, called into question the credibility of these elections.

In April and May 2003, at least one hundred people were killed and many more injured during federal and state elections in Nigeria. The majority of serious abuses were perpetrated by members or supporters of the ruling party, the People's Democratic Party (PDP). In a number of locations, elections simply did not take place as groups of armed thugs linked to political parties and candidates intimidated and threatened voters in order to falsify results. The violence and climate of intimidation facilitated widespread fraud, invalidating the results of the elections in many areas. Nevertheless, the elections were hailed as peaceful by Nigeria's President Olusegun Obasanjo, who was re-elected, and were widely praised by foreign governments, including Nigeria's key foreign allies. The 2003 elections were significant for Nigeria as the country's first sustained transition from one civilian government to another.

One year later, local government elections took place across Nigeria on March 27, 2004. These elections too were characterized by serious violence and intimidation, as well as widespread fraud and rigging. There were reports of dozens of people killed before, during and after the local government elections. The impunity which protected those responsible for violence during the 2003 elections, especially politicians of the ruling PDP, has persisted. By failing to bring to justice those responsible for these crimes, the Nigerian government has effectively sent out the message that violence is an acceptable component of the conduct of elections.

The stage for this unacceptably high level of violence was set in the year leading up to Nigeria's 2003 elections, during which hundreds of people were killed in political clashes or targeted killings, without any serious official response in terms of investigation and prosecution. Although government officials had publicly vowed to punish perpetrators of political violence in the pre-election period, it was clear by the time of the 2003 elections that these were empty statements. Most of the perpetrators from all sides of the political spectrum have escaped without facing justice. Broad international support

for President Obasanjo, without pressure to ensure accountability for political violence, has favored this climate of impunity.

This report documents cases of electoral violence in 2003. It concentrates on incidents which occurred during the election period in April and May 2003, whereas earlier reports documented political violence in the preceding months.<sup>1</sup> It also refers to incidents of violence reported around the 2004 local government elections, although most of Human Rights Watch's detailed research was undertaken before those elections took place. The information in this report is drawn primarily from Human Rights Watch research carried out in Nigeria in 2003, with a particular focus on southern and southeastern states where there was the highest level of violence; it is supplemented with incidents documented by Nigerian human rights organizations and election observers. The report focuses on cases of physical violence and intimidation; it does not describe other forms of electoral abuses and fraud which have been documented extensively by national and international observers deployed during the elections.<sup>2</sup> However, in many cases, it was easy to establish a direct link between the violence and the official results of the elections. The level of violence and intimidation, particularly in those areas which are the focus of this report, leads Human Rights Watch to conclude that at least in those locations, the election results cannot be considered meaningful or representative of the free will of voters.

The report exposes a pattern of impunity for violence committed, in particular, by the PDP. PDP members or supporters who were alleged to be responsible for abuses almost always escaped serious investigation or prosecution, or were released very soon after their arrest. In a typical case in which an opposition party member was killed by PDP supporters in Imo State, the perpetrators were reportedly heard "boasting that they will kill more people and nothing will happen, since they belong to the ruling P.D.P."<sup>3</sup>

Political violence has not been the exclusive preserve of the PDP. Candidates and supporters of the larger opposition parties, including the All Nigeria People's Party

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<sup>1</sup> See Human Rights Watch report "Testing democracy: political violence in Nigeria," April 2003, and Human Rights Watch briefing paper "Nigeria at the crossroads: human rights concerns in the pre-election Period," January 2003.

<sup>2</sup> Several thousand election observers were deployed around the country in 2003, the majority by Nigerian civil society organizations, such as the Transition Monitoring Group (TMG, a coalition of Nigerian non-governmental organizations), the Justice, Development and Peace Commission (JDPC, linked to the Catholic Church), the Federation of Muslim Women's Associations of Nigeria and the Muslim League for Accountability (FOMWAN / MULAC), the Nigeria Labour Congress (NLC), and others. There were also several international observer delegations, as described elsewhere in this report.

<sup>3</sup> Letter to the Assistant Inspector General of Police, Umuahia, by Uche Osuji and Associates, acting on behalf of the relatives of Onyewuchi Iwu, who was killed on April 19, 2003, in Ikeduru local government, Imo State.

(ANPP), the United Nigeria People's Party (UNPP), and the Alliance for Democracy (AD), also carried out acts of violence in the pursuit of electoral victory. Furthermore, whenever violence was instigated by supporters of one party—whether the ruling party or the opposition—their opponents usually did not hesitate to respond in kind.

Human Rights Watch is publishing this report to highlight the cost of ignoring political violence and to urge all those concerned—in the first instance, the Nigerian government, the leadership of the political parties, and the security forces—to take measures to prevent violence in the next general elections in Nigeria scheduled for 2007. As a priority, Human Rights Watch is calling on the Nigerian authorities to bring to justice all perpetrators of electoral violence, regardless of their political affiliation. Election tribunals have been set up to consider the grievances of defeated candidates who want to challenge the outcome of the elections. However, these tribunals do not deal with cases of criminal violence, which fall within the remit of the regular court system.<sup>4</sup>

Attempts to sweep the 2003 election violence under the carpet will have long-term consequences for Nigeria. If the government continues to allow these crimes to go unpunished, those with political ambitions for the next elections will revert to the same tactics, knowing that they are unlikely to have to answer for their actions. This has already been demonstrated by the conduct of parties and candidates in the 2004 local government elections.

At the time of writing, many Nigerians are already contemplating the prospects for the 2007 elections, and candidates are actively preparing their ground. It is essential for the Nigerian government to act in good time to prevent further loss of life in 2007 and to ensure that the next elections are peaceful and fair. Human Rights Watch is urging the Nigerian government to put in place mechanisms for ensuring and enforcing accountability for political violence in advance of the 2007 elections, including the creation of a special task force to monitor and act on reports of incidents of violence and to work with the judicial authorities to ensure that those responsible for these acts are brought to justice.

This report also describes the weak international response to political violence during the Nigerian elections. Political and economic considerations related to Nigeria's influence within Africa have made many international actors reluctant to criticize President

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<sup>4</sup> On March 24, 2004, an election tribunal ruled that Governor Boni Haruna of Adamawa State had been elected fraudulently, and that fresh governorship elections should be held in Adamawa State. The governor, who had stood for the PDP, was reported to be intending to appeal against this decision – the first of its kind against a state governor.

Obasanjo's human rights record. Statements by the United States and the United Kingdom governments issued in the immediate aftermath of the 2003 elections typified the strength of international support for President Obasanjo and a willingness to turn a blind eye to human rights abuses. Yet Nigeria's foreign partners have a critical role to play in urging the government to end impunity for political violence, and to remind it that failure to do so will not only significantly jeopardize the prospects for the 2007 elections, but will invalidate Nigeria's attempts at democracy as a whole. It will also undermine its emerging influence within regional bodies such as the African Union and its leading role in initiatives such as the New Partnership for Africa's Development (NEPAD).

Human Rights Watch is appealing to foreign governments to address the issue of electoral violence explicitly with the Nigerian government by insisting that preventive strategies are in place before the 2007 elections, and by offering appropriate support and assistance. Governments or inter-governmental organizations sending delegations to observe future elections in Nigeria should train and encourage their observers to monitor and report on incidents of violence; they should base their assessments and public statements about the elections on these reports as well as on broader political and human rights developments monitored in the pre-election period.

## **II. Patterns of election violence**

The use of violence as a political tool has been common in Nigeria both before and since President Obasanjo first came to power in 1999. The 1999 elections were also marred by violence and intimidation, as well as widespread fraud and rigging.<sup>5</sup> Previous Nigerian governments had used political violence even more brutally and systematically, often without any real pretence of operating within a democratic system. Despite the shift from military to civilian rule, political violence has remained prevalent. It has been facilitated by the wide availability of small arms and a large population of unemployed young men who are willing to be hired and armed by politicians to intimidate their opponents. Violence became such an accepted part of political competition in some areas during the 2003 elections that politicians did not even attempt to conceal it; for example, a PDP ward chairman in the southern city of Port Harcourt told a human rights activist directly how the PDP had distributed guns in the area.<sup>6</sup>

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<sup>5</sup> See for example Annual Report 1999, Civil Liberties Organisation.

<sup>6</sup> Human Rights Watch interview, Port Harcourt, July 14, 2003.

While occasionally leading political figures fell victim to targeted killings, the overwhelming numbers of direct victims of the violence around the 2003 elections were young men whom politicians had sent out to fight each other for control of political constituencies; others were simply bystanders who found themselves caught up in the violence.

In some areas, clashes between election opponents overlapped with conflicts over other issues. For example, in the Niger delta and in Plateau State, both the 2003 general elections and the 2004 local government elections provided a focal point for longstanding inter-communal conflicts over land and resources; these conflicts were reignited as some groups used the elections as a way of venting their anger or desire for revenge in broader disputes over economic and political power.

### ***The 2003 elections***

The 2003 elections began on April 12, with voting for members of the National Assembly; elections for the presidency and governorships took place on April 19 and elections for state houses of assembly on May 3. Voters came out in overwhelming numbers on April 12. While in some areas, the process was conducted relatively smoothly, in others, there was no pretence of elections taking place at all, because of vote-rigging, violent intimidation, or both. In yet other locations, logistical problems prevented the smooth running of the elections, and some parties and candidates took advantage of these problems to falsify the results. In some locations, especially in the south, elections materials never reached polling stations, or election officials did not turn up; yet results were officially announced from these constituencies. In its final report on the elections, the Transition Monitoring Group (TMG), a national coalition of civil society groups which monitored the elections, described the activities on all three election days and the collation and declaration of results as “characterized by monumental fraud.”<sup>7</sup>

Many incidents of violence were recorded during the April 12 and 19 elections. By the time the state houses of assembly elections rolled around on May 3, much of the electoral violence had run its course. In several key areas, including the south and the southeast, this was at least partly because opposition parties started boycotting the polls, complaining of rigging and fraud in the earlier elections and urging their voters not to cast useless votes. Independently from these party boycotts, many voters had simply become disillusioned following the experience of the first two phases of the elections.

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<sup>7</sup> “Do the votes count? Final report of the 2003 general elections in Nigeria,” Transition Monitoring Group.

Others were deterred by the prospect of fresh violence. Nonetheless, some serious incidents were recorded around the May 3 elections.

The highest level violence during the 2003 elections was in the south and the southeast, where PDP governors and their supporters universally succeeded in resisting opposition bids for office. These were also the areas where the greatest rigging and fraud were recorded by independent electoral observers. In these areas, the direct link between violence and election fraud was clear. More than three quarters of the incidents of “violence, intimidation, harassment, ballot box stealing and stuffing and vote buying” reported by TMG election observers were recorded in the south and the southeast; however, they also reported violence and disruption in other areas, including in western, central and northern states.<sup>8</sup> The situation in some areas in the oil-producing Niger delta, in the south, was so serious that a non-governmental organization which monitored the elections stated: “In parts of Rivers and Bayelsa States observed by our monitors, the elections could be characterized as a low intensity armed struggle. Weapons and firearms of various types and sophistication were freely used.”<sup>9</sup>

The largest number of deaths during the elections occurred when opposing bands of political thugs, in some cases armed on both sides, fought each other for physical control of a locality, attempting to displace supporters of the opposing party. Witnesses reported numerous incidents to Human Rights Watch in which armed thugs, usually though not exclusively from the PDP, shot into the air or otherwise threatened voters with violence, created chaos, and then ran away with the ballot boxes. In some instances, these groups shot directly at individuals from opposing parties. In other cases, their threatening behavior and public display of weapons ranging from knives to firearms was sufficient to scare off their opponents, as well as ordinary voters. This type of intimidation was especially common in the south and the southeast, but also occurred in other areas. The TMG’s summary of incidents recorded during the April 19 elections includes cases in which elections were violently disrupted in various locations in the northern states of Katsina and Jigawa, the central or Middle Belt states of Benue, Taraba and Adamawa, and Kogi State in the west, as well as the southern and southeastern states of Rivers, Imo, Abia and Akwa-Ibom.<sup>10</sup>

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<sup>8</sup> Ibid.

<sup>9</sup> Election monitoring report on the ongoing Nigeria federal and state general elections, April/May 2003 (executive summary), Environmental Rights Action. Reproduced in *Nigeria Today*, April 26, 2003.

<sup>10</sup> Summary of incidents recorded in the presidential / gubernatorial elections in 2003, Transition Monitoring Group (Appendix 8 of the TMG’s final report).



There were also cases where people who tried to intervene to prevent rigging were beaten by thugs hired by the various parties. Protests at rigging also often took a violent form, with aggrieved opposition members, as well as other frustrated voters, smashing election materials and equipment to prevent fraudulent votes from being used, and, in more serious cases, attacking PDP members or others suspected of rigging. Some election observers were threatened, and in some cases physically attacked, in order to prevent them from witnessing or reporting abuses. Some of these threats were made by state or local government officials, others by members of the security forces. At least three TMG observers in the southeast were among the victims of violent intimidation during the state house of assembly elections: in Enugu State, a TMG observer was whipped with a chain by a paramilitary mobile policeman apparently acting in collusion with PDP supporters; an observer in Ebonyi State was beaten by a candidate for the state house of assembly; and an observer in Ebonyi State was chased out of two polling stations.<sup>11</sup>

The successful portrayal of the elections as free of violence was crucial to the Nigerian government's efforts to project a positive image to its foreign partners and to consolidate its reputation for its second term. In the vast majority of violent incidents involving local government politicians, PDP officials, PDP candidates, or their supporters, no one was charged or tried. In a few cases, low-level PDP supporters were arrested or questioned, but were usually released within a short period. Many of the candidates whose supporters carried out violence and intimidation are now occupying political positions at local or state level.

In contrast, a larger number of opposition party supporters were arrested, and some were charged. The opposition parties have claimed that most of these arrests were politically-motivated. Human Rights Watch has not been able to verify the circumstances surrounding all these arrests. Many of these opposition supporters have since been released without charge, but only after the election period was over.

The role played by the security forces was mixed. Human Rights Watch documented a number of cases of human rights abuses carried out directly by members of the security forces, mostly by the police, particularly the paramilitary mobile police, acting in collusion with ruling party officials. Although such cases may not have been as widespread as anticipated, the number of abuses in which police officers were directly involved remains of serious concern, particularly in areas such as Rivers State. However,

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<sup>11</sup> TMG preliminary report on the state houses of assembly elections held on Saturday, May 3, 2003.

in some locations, voters and observers reported that the police helped maintain a peaceful atmosphere and were not seen to be acting in a partial way.<sup>12</sup>

There were also incidents in which soldiers engaged in acts of violence, for example in Benue and Rivers states. Overall, however, independent observers reported that the deployment of the military in many areas of the country reduced the level of violence, although some noted that it created an intimidating atmosphere for elections.

While security forces were not partial actors in all incidents, in many cases they were unable or unwilling to protect those who came under attack. Typically, police were reported to flee the scene or to do nothing when violent clashes broke out or armed people invaded polling booths. They frequently failed to arrest the perpetrators, even in cases where violence was committed in full view of many witnesses. They also failed to respond to calls for help from some individuals who reported receiving direct threats from their political opponents.

The leadership of the various political parties also bears a heavy responsibility for the actions of their members and supporters, particularly for the failure to halt violence and intimidation during the elections. While some party leaders admitted reluctantly that their supporters may occasionally have engaged in acts of violence, most of them denied it and simply blamed their opponents.

Officials of the PDP secretariat in Abuja told Human Rights Watch that the PDP had a standard disciplinary procedure and imposed sanctions against any of its members who committed violence, ranging from verbal warnings to suspension and ultimately expulsion from the party. One official insisted that the sanctions were used, but could not name any specific case where PDP members had been expelled because of election-related violence or intimidation. Another official said that the decision not to use violence had been taken at a high level in the party, “except when people were pushed to the wall. We were not committing violence unless it became very, very necessary to fight back. If at a polling station, opponents want to carry ballot boxes away, we have to resist, and this can degenerate into violence. Also if the life of agents are threatened. But sometimes police is not readily available; you have to make sure your interest is protected.”<sup>13</sup>

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<sup>12</sup> For an overview of the role of police during the elections, see “The conduct of security forces” by Innocent Chukwuma, in “Do the votes count?” Final report of the 2003 general elections in Nigeria, Transition Monitoring Group, July 2003.

<sup>13</sup> Human Rights Watch interviews with PDP secretariat officials, Abuja, July 21, 2003.

### ***The 2004 local government elections***

The government's failure to bring to justice most of the perpetrators of political violence in 2003 meant that there was little to discourage candidates in the 2004 local government elections from using the same tactics. As a result, the local government elections were also marred by violence and intimidation.

Local government elections had originally been scheduled to take place in 2002, but were repeatedly postponed. The reasons given publicly for these postponements related mostly to logistical and administrative preparations. But many Nigerians speculated that the delays were more likely to have been motivated by political considerations. After the terms of local government councils expired in May 2002, state governors appointed local transition or "caretaker" committees to take the place of elected local government councils. A federal government announcement in June 2003 that the system of local government administration would be subjected to a wide-ranging review meant that local government elections were, for a while, indefinitely suspended; in the meantime, local governments continued to be controlled by unelected individuals, picked by state governors. When the elections were eventually announced for March 2004, many of these individuals were reluctant to give up these lucrative positions. Human Rights Watch also documented several cases in which members of these transition committees were implicated in acts of violence against their perceived opponents during the 2003 elections.

The 2003 elections had already demonstrated that the fiercest battles for political control were played out at the local level, and local disputes were the motivation behind many of the most serious incidents of violence. The 2004 local government elections confirmed this pattern. Violence broke out in many locations before, during and after polling day on March 27, leading to dozens of deaths. In addition to battles between supporters of different political parties, the period of the local government elections saw an intensification of internal fighting, in particular within the PDP, with different factions vying for control of local government positions. From February 2004 onwards, there were several incidents of apparently politically-motivated killings and attacks in different parts of the country. For example, on February 6, Aminasoari Dikibo, national vice-chairman of the PDP for the south-south zone, was shot dead in Delta State. In Kogi State, the chairman of the State Independent Electoral Commission, Philip Olorunnipa, was killed on March 7, and the PDP candidate for the chairmanship of Bassa local government, Luke Shigaba, was killed on March 3. Also on March 3, a vehicle carrying the Benue State governor, George Akume, was attacked; the governor escaped unhurt, but a friend travelling with him, Andrew Agom (who, like the governor, was a PDP

member), and a police officer were both killed. There has been speculation that some of these incidents may have been caused by infighting within the PDP.

Between January and April 2004, there was also an intensification of inter-communal violence in areas such as the Niger delta and the central Plateau State. Not all these incidents were directly related to the elections, but observers concurred that the climate of heightened political tension created by the prospect of elections contributed to the increase in violence, especially in Delta State.

On the actual election day of March 27, numerous incidents of violence and intimidation and clashes between supporters of different parties and candidates were reported across the country. Human Rights Watch has not been able to verify all these incidents, but is deeply concerned at the uncontrolled proliferation of political violence. The geographical spread of locations from which electoral violence was reported during the local government elections may have been even greater than during the 2003 general elections. Whereas the worst violence in 2003 was concentrated in the south and southeast, violence around the 2004 local government elections erupted in multiple locations in the north, south, west, east and centre of the country. In an initial non-exhaustive count of incidents reported by the end of March 2004, Human Rights Watch noted at least twenty-two states (out of Nigeria's thirty-six states) in which killings and other types of violent clashes were recorded by election observers, journalists and other sources.<sup>14</sup> In very late March and early April, there were reports of further incidents, including killings, some of which may have been linked to the aftermath of the elections.<sup>15</sup>

In addition to the violence, election observers reported widespread rigging of election results. Elections did not take place at all in several locations, in some cases because state or local authorities had chosen alternative dates, and in other cases, such as in Warri in Delta State, because state governments feared that elections would aggravate ongoing violence. The cancellation or postponement of elections was in itself a source of further frustration and anger among some communities. Where elections did take place, there

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<sup>14</sup> The TMG's preliminary report on the local government elections notes incidents of violence in at least eleven states, as well as several cases where observers were threatened and harassed. Additional incidents were reported by other observers and journalists covering the elections.

<sup>15</sup> See for example "Edo still boils two days after local government poll," *Daily Champion*, March 30, 2004; and "Nigeria youths, security forces battle over disputed election results; 30 feared dead," Associated Press, April 5, 2004. Human Rights Watch has not been able to confirm these reports independently.

was a very low voter turn-out; observers speculated that people had been discouraged from voting by a mixture of apathy, fear, and disillusion with the 2003 elections.<sup>16</sup>

### **III. Getting Away with Murder**

During the 2003 election period, scores of incidents of violence were reported across the country. Human Rights Watch visited four states in the south and the southeast, regions where some of the worst violence was reported. The incidents presented in this report only account for a small proportion of those that occurred. Human Rights Watch collected numerous eye-witness testimonies of these and other incidents, which form the basis for most of the information summarized below.

#### ***Bayelsa State***

Bayelsa State, in the Niger delta, saw a high level of violence during the elections, as well as widespread intimidation and fraud. In many areas, polling booths were not even set up; instead, intimidation took place at voting collation centers, from which materials were to be distributed to the individual polling stations in advance of the elections. Some of the state governor's close political associates, including his appointed state commissioners (the equivalent of ministers at state level), had been directly implicated in cases of political violence and killing even before the elections began.<sup>17</sup>

#### ***Clash in Nembe (Bassambiri)***<sup>18</sup>

The hometown of UNPP governorship candidate George Fente was the site of one of the deadlier clashes during the election period. On the evening of April 10, UNPP and PDP political thugs clashed in Bassambiri, in Nembe local government area. Beyond each side's claim of at least a dozen fatal casualties, their accounts of the events of April 10 and 11 have little in common: each side claimed that their intent on that day was to make peace, that they were unarmed, and that the other side was the aggressor. Given the duration of the fighting and accounts of shooting throughout the night of April 10

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<sup>16</sup> For a more detailed overview of the 2004 local government elections, see "Preliminary Report issued by the Transition Monitoring Group (TMG) on the Local Government Council Elections held on Saturday, March 27, 2004". The TMG, which deployed 4,144 observers and 142 monitors to observe the elections, concluded in its preliminary report: "It is doubtful whether given the substantial flaws that attended the preparations for the elections in virtually all the states of the federation and the level of irregularities observed on Election Day, the elections can in anyway be considered to be reflective of the will of the people."

<sup>17</sup> Human Rights Watch interviews, July 2003, Bayelsa. See also Human Rights Watch report "Testing democracy: political violence in Nigeria," April 2003.

<sup>18</sup> The information in this section is based on Human Rights Watch interviews in Port Harcourt and Bassambiri in July 2003, unless otherwise indicated.

and into April 11, the widespread availability of arms in the area, and the number of deaths recorded on each side, both sides almost certainly had access to and used firearms provided by their political patrons.

In very early April 2003, there had been fighting in Bassambiri between PDP and UNPP members. Some PDP members had fled the community and had then attempted to re-enter it by force. About a week before the elections, in an attempt to resolve that tension, local community leaders organized a committee of eight representatives of the main political parties, who met on April 8 and agreed that the PDP members who had fled would be allowed to come back peacefully. Representatives of all the parties, including George Fente and local PDP leaders, signed the undertaking.

However, on April 10, two days before the election, serious violence broke out again between UNPP and PDP supporters. As Bassambiri is a relatively remote community, many of its residents also live and work in Port Harcourt. Around April 9 and 10, these residents started returning to Bassambiri, some of them intending only to pick up their voters' cards in advance of the elections. In the early afternoon of April 10, five or six speedboats full of UNPP supporters departed from Port Harcourt bound for Nembe. George Fente saw them off from the waterside; he was expected to join them later for a political rally in Bassambiri. The boats arrived in Bassambiri at around 5.30 p.m. Other UNPP supporters who had earlier fled to Ogbolomabiri also crossed back into Bassambiri. In the early evening, many of these UNPP supporters gathered in front of George Fente's Bassambiri residence. According to PDP accounts, some UNPP supporters had paraded through town breaking bottles, destroying PDP signboards, and making threatening and inflammatory statements, such as "the cemetery needs to be expanded," and telling PDP members: "this will be your last day." UNPP members, on the other hand, claimed their intentions were peaceful.

A confrontation between UNPP and PDP members began in the center of town and by around 7.30 p.m., the first shots were fired. Both sides reported that the regular police, who were unarmed, and the paramilitary mobile police, who were armed and had been especially dispatched to the area for the elections, made some early attempts to calm the commotion. However, when fighting broke out, the regular police fled and the mobile police failed to intervene. Continuous gunfire was heard for several hours, and sporadic gunfire continued through the night and into the next morning. The fighting eventually died down after soldiers were deployed to Bassambiri in the early afternoon of April 11.

PDP leaders in Bassambiri reported the deaths of nine of their members and listed the first names of five others who received bullet wounds. George Fente claimed that

twenty-two UNPP supporters were killed on April 10, listing ten of them by name.<sup>19</sup> A local human rights organization confirmed the deaths of thirteen people known in Bassambiri, and reported that several other men were killed but their identity was not known.<sup>20</sup>

Eight UNPP supporters were arrested as a result of the fighting and were charged on May 7 with murder, assault and other offences. Fente himself was also considered wanted by the police and went into hiding for a short time. Seven of the UNPP members were released on bail on July 16, 2003, and the eighth was discharged. No PDP member was detained or charged in connection with this incident.

Both Governor Alamiyeseigha and George Fente reportedly visited Abuja to speak with the federal police headquarters and to attempt to influence the course of the investigation into the Bassambiri crisis.<sup>21</sup> As the UNPP's gubernatorial candidate in Bayelsa, Fente filed a petition before the electoral tribunal challenging Governor Alamiyeseigha's election victory. However, he dropped the petition in May and told Human Rights Watch that he had done so with the understanding that the police would in turn drop the charges against his supporters who at that time were still in detention.<sup>22</sup> When his supporters were finally released on bail in July, they believed the cases against them would not be pursued.<sup>23</sup>

### ***Other clashes in Bayelsa State***

On April 19, at least ten people were killed in a clash between PDP and ANPP supporters in Oporoma, the local government headquarters of Southern Ijaw local government. Seven of the victims were from Angiama, the hometown of the ANPP gubernatorial candidate, Millionaire Abowei. The clash occurred when young men from Angiama, which served as the center for distribution and collation of election materials, came to Oporoma to demand the release of voting materials for their area.<sup>24</sup>

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<sup>19</sup> Human Rights Watch interview, Ogbolomabiri, July 17, 2003.

<sup>20</sup> Human Rights Watch interview, Port Harcourt, July 14, 2003.

<sup>21</sup> Human Rights Watch telephone interview, April 29, 2003, and Human Rights Watch interviews, Port Harcourt, July 18, 2003.

<sup>22</sup> Human Rights Watch interview, Port Harcourt, July 18, 2003.

<sup>23</sup> Human Rights Watch interviews, Port Harcourt, July 18, 2003.

<sup>24</sup> Human Rights Watch telephone interview, April 21, 2003, and Human Rights Watch interview, Port Harcourt, July 14, 2003.

In Sagbama local government, on April 12, opposition party supporters and other disgruntled voters burned the residence of the local transition committee chairman and the office of the Independent National Electoral Commission (INEC), along with about a dozen vehicles, in protest at reports of rigging by the ruling party the night before.<sup>25</sup>

### **Rivers State**

Violence and blatant rigging were widely used in Rivers State to secure victory at the elections, primarily by the ruling PDP, but also by other parties. A journalist who was in Rivers State on April 19 explained: “It was a travesty. I didn’t see a single vote legitimately cast all day, indeed I only saw voting at all in one location [...] PDP agents were stuffing boxes there [...] [INEC officials] in another area said they didn’t hold voting because results sheets had been stolen from them at gunpoint, directly in front of police.”<sup>26</sup> Improbably high voter turnouts were recorded at each stage of the elections, despite the lack of elections in most places and widespread opposition boycotts of the polls on the second and third dates.

The police were widely reported to have supported the PDP’s interests in Rivers State. In addition to numerous allegations that they actively colluded with the PDP to assist them in winning the elections, they failed to take action to prevent violence when specific cases were brought to their attention, as illustrated by this example from a human rights activist in Port Harcourt:

In Ogbio-Akpor local government, on April 19, the former local government chairman, who was also a candidate, was caught early that morning at the local government INEC office. Soldiers searched the car and found weapons, including automatic rifles. The current chairman of the caretaker committee was also there [...] The Assistant Commissioner of Police came, spoke to the soldiers, and they [the former chairman and his associates] were released right there. That same evening, the former chairman and the chairman of the caretaker committee became returning officers at the local government collation centre, telling the mobile police who could come in. Lots of people were beaten.<sup>27</sup>

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<sup>25</sup> Human Rights Watch interviews, Port Harcourt, July 14, 2003, and London, April 24, 2003.

<sup>26</sup> Human Rights Watch telephone interview, April 21, 2003.

<sup>27</sup> Human Rights Watch interview, Port Harcourt, July 14, 2003.



When Human Rights Watch spoke with the state Commissioner of Police, he claimed that there had not been any incidents of serious violence and that there was no disruption of voting. In response to questions about specific cases documented by Human Rights Watch, he asked why these “minor cases” were of any interest.<sup>28</sup> The chief press secretary to the Rivers state government told Human Rights Watch that there may have been isolated cases of violence, but that generally the elections were not violent. He described Rivers State as the safest state in Nigeria.<sup>29</sup>

### ***Killing in Etche***

On the morning of April 12, an armed ANPP supporter called Mwuzi was killed by PDP supporters in Etche local government, outside the local government headquarters compound where INEC was preparing materials for distribution. He was killed in the context of a dispute between ANPP and PDP supporters over whether INEC could distribute a photocopy of the election results form rather than the original. An election observer who witnessed the killing reported:

They just shot him, right at him. He died right there, we all saw it [...] The PDP came in two buses, with sophisticated weapons like pistols and rifles. Every one of them had guns. The ANPP thugs were about five. They had guns too; even the one who was killed had a gun. [...] Up until now, no one has been arrested.<sup>30</sup>

Human Rights Watch spoke with a representative of the PDP youth wing in a village in Etche local government area. He reported that he and other youths in the village were promised money, cars, and trips to the United States in exchange for their efforts to “canvass the vote” for the PDP, although he denied that they were given any weapons.<sup>31</sup>

### ***Violence in Ikwereiland***

Many incidents of violence, including several killings, were reported in different parts of Ikwereiland, which covers four local government areas.

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<sup>28</sup> Human Rights Watch interview with Rivers State Commissioner of Police S.O. Araba, Port Harcourt, July 18, 2003.

<sup>29</sup> Human Rights Watch interview, Port Harcourt, July 18, 2003.

<sup>30</sup> Human Rights Watch interview, Port Harcourt, July 14, 2003.

<sup>31</sup> Human Rights Watch interview, Etche, July 18, 2003.

Thankgod Nweanyi, the ANPP's local chapter chairman, was killed by a mobile policeman at a polling booth in the village of Ubimini, in Emohua local government area, on April 12; two other men were seriously injured. An eye-witness identified by name the mobile police officer who killed Thankgod Nweanyi and reported that the INEC supervisor for the ward was in the vehicle with the police officer at the time; other eyewitnesses disagreed about whether there was a second person in the vehicle.<sup>32</sup>

Election observers reported that in Rumuochi, also in Emohua local government, a clash between PDP and ANPP supporters on April 19 resulted in at least nine injuries, five on the side of the PDP and four on the side of the ANPP.<sup>33</sup>

Several people were killed or injured by stray bullets during shoot-outs by party supporters and in some cases by the police. In an incident at a polling booth in Omagwa, in Ikwerre local government, on April 19, an ANPP supporter, Charles Asuwo, died on the spot in a shoot-out between PDP thugs and the police, and around six people were injured.<sup>34</sup>

There was further violence at a distribution centre in Omagwa, following an argument between PDP and ANPP supporters who complained that the election result sheets had not been distributed. At least one ANPP member was injured by PDP supporters, who fired shots and left with the election result sheets.<sup>35</sup>

A local non-governmental organization which monitored the elections reported several other violent incidents in Ikwerreland. Human Rights Watch has not been able to verify each of these cases. However, if confirmed, the number and patterns of these incidents are of serious concern. The organization's report describes the following cases, among others:

- In Egbeda, in Emohua local government area, ANPP member Amos Akpalu was shot dead on April 12.
- On the same day, in Omagwa, in Ikwerre local government area, two men, including the local ward secretary of the ANPP, were beaten and injured by PDP supporters believed to be acting on behalf of the PDP councillorship candidate

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<sup>32</sup> Human Rights Watch interview, Ubimini, July 19, 2003.

<sup>33</sup> IDASA conflict report on presidential and gubernatorial elections, April 19-20, 2003 Niger Delta/South-South region (based on information gathered by Nigerian partners in the field).

<sup>34</sup> Human Rights Watch interview, Omagwa, July 19, 2003.

<sup>35</sup> Human Rights Watch interview, Port Harcourt, July 19, 2003.

for the area. One man was also shot dead by the police; it was not clear whether he was deliberately targeted or hit by a stray bullet as police fired into the air.

- On April 19, in Emohua local government area, the houses of several prominent ANPP officials were damaged, and one man reportedly died after being shot by the police. A woman who complained about the absence of electoral materials was shot dead in Ndele, also in Emohua; the identity of the perpetrator was not confirmed.
- In April 19 in Rukpokwu, in Obio/Akpor local government area, at least two men were beaten by the police after community members complained that voting materials were not available.
- Several cases of police ill-treatment were reported from different locations in Port Harcourt local government area.<sup>36</sup>

### ***Violent intimidation in Ogoniland***

In Bodo community, Gokana local government, the wife of ANPP senatorial candidate Ben Naanen was reportedly held at gunpoint by PDP thugs and forced to vote for a rival candidate to her husband during the National Assembly elections on April 12.<sup>37</sup>

On April 12, the day of the National Assembly elections, an activist of the Movement for the Survival of the Ogoni People (MOSOP) was abducted by a group of youths; he was released the next day.<sup>38</sup>

An independent observer who was taking detailed notes at a voting collation center in Ogoniland on April 13 had his notes and satellite telephone taken from him by unidentified youths at gunpoint later that night.<sup>39</sup>

### ***Other attacks and intimidation in Rivers State***

There were a number of other incidents in which election observers were intimidated and harassed in Rivers State. A TMG observer at a polling station on Ekwerre Road in Port Harcourt reported: "Three young men came down from a bus with automatic weapons. They took away my notes and checklist, and shot their guns very close to my feet. I was lucky." When he narrated the incident to an acquaintance in the state police

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<sup>36</sup> For details of these cases, see "Political violence in Ikwerreland," Civil Rights and Development Organisation (CRIDO).

<sup>37</sup> Human Rights Watch interview, London, April 17, 2003 and correspondence, October 23, 2003.

<sup>38</sup> Human Rights Watch interview, Port Harcourt, July 14, 2003.

<sup>39</sup> Human Rights Watch telephone interview, April 14, 2003.

command, it was merely recommended that he “call the private radio stations that were broadcasting some of this information.”<sup>40</sup> The staff of an Abuja-based conflict resolution organization reported that its monitors in Ogu/Bolo local government were told by PDP thugs that if they valued their lives, they should leave the area.<sup>41</sup>

Some observers were prevented from accessing distribution and collation centers. A human rights activist who was coordinating the TMG observers in Rivers State reported that during the April 12 elections, more than 80 per cent of the TMG observers were not able to obtain the election results because thugs barred their access.<sup>42</sup> In Port Harcourt local government area, a witness who accompanied international election observers reported seeing about a dozen unidentified young men armed with locally-made guns carting away election materials from a polling booth while around seven police officers looked on.<sup>43</sup>

The day after the National Assembly elections, opposition parties organized a peaceful march to hand a petition to the INEC representative in Port Harcourt, which was disrupted by police shooting to disperse them and arresting many of the protesters.<sup>44</sup>

A human rights organization reported that non-PDP candidates contesting seats for the state house of assembly were accused by their PDP rivals of disrupting the elections; when they turned up on May 3, several were reportedly beaten. Among them was Shubby Ben Wilson, a candidate for the AD, who was reportedly beaten with horse whips and gun butts and sustained head injuries.<sup>45</sup>

Incidents of violence were reported in Amadi-ama and other locations on the outskirts of Port Harcourt. Many people were temporarily displaced from Amadi-ama after it came under attack by armed PDP supporters on the eve of the National Assembly elections, on April 11. About fifteen PDP armed supporters arrived early in the morning and started shooting at random. As people fled for their lives, several were injured, and

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<sup>40</sup> Human Rights Watch telephone interview, April 16, 2003, and Human Rights Watch interview, Port Harcourt, July 14, 2003.

<sup>41</sup> Human Rights Watch telephone interview, April 29, 2003.

<sup>42</sup> Human Rights Watch telephone interview, April 16, 2003.

<sup>43</sup> Human Rights Watch interview, Port Harcourt, July 14, 2003.

<sup>44</sup> Human Rights Watch telephone interview, April 16, 2003.

<sup>45</sup> Human Rights Watch interview, Port Harcourt, July 14, 2003.

many homes were destroyed; a local human rights organization claimed the attackers used mortars.<sup>46</sup>

Many other incidents of violence in Rivers State were reported by election observers, non-governmental organizations, political activists, and others. These included incidents where members of the security forces used excessive force, for example in Port Harcourt on April 19, when soldiers whipped ANPP supporters who were protesting at the INEC office.<sup>47</sup> A petition by the ANPP in Rivers State submitted to the INEC Chairman also contains examples of violent intimidation and other abuses by the PDP during the National Assembly elections.<sup>48</sup>

### **Delta State**

The violence in Delta State before and during the elections is documented in earlier Human Rights Watch reports<sup>49</sup>, so is not described again in detail here. As Nigeria's most important oil-producing state, the race for government positions in Delta State was even more desperate, and the financial benefits of gaining political office even higher, than in other states. Not surprisingly, therefore, it experienced a high level of violence before, during and since the elections. Not all of this violence was directly related to the elections, but the elections contributed to a heightening of existing tensions in the area.

The prospect of elections, and disagreements over ward boundaries and representation in government, had already triggered serious inter-communal violence around the town of Warri in the months preceding the elections, between January and March 2003. The conflict was in part between the Ijaw, Itsekiri and Urhobo ethnic groups, and in part between armed groups and the security forces. It was against this highly volatile backdrop that elections were held in April 2003, without any of the communities' grievances having been satisfactorily addressed by the government. Each of the communities, claiming marginalization and discrimination, seized upon the elections to agitate for past injustices to be redressed. Many called for the elections to be postponed, and until the last minute there were doubts as to whether they would be held. A similar

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<sup>46</sup> Human Rights Watch telephone interviews, April 11 and 29, 2003, and Human Rights Watch interviews, Port Harcourt, July 14 and 15, 2003. For background information on the situation in this area, see Human Rights Watch report "Testing democracy: political violence in Nigeria," April 2003, pages 10-14.

<sup>47</sup> IDASA conflict report – presidential and gubernatorial elections, April 19-20, 2003, Niger Delta/South-South region (based on information gathered by Nigerian partners in the field).

<sup>48</sup> "Very urgent petition and SOS on the April 12, 2003 National Assembly elections, state terrorism and gruesome conspiratorial irregularities in Rivers State, Nigeria," ANPP Rivers State Secretariat, April 13, 2003.

<sup>49</sup> See Human Rights Watch reports "The Warri crisis: fueling violence," December 2003; and "Testing Democracy: political violence in Nigeria," April 2003.

scenario was repeated one year later, with further incidents of violence around Warri in January, February and March 2004, exacerbated by the looming local government elections. Eventually, the Delta State government decided to suspend local government elections in Warri in March 2004, provoking further angry reactions from some of the communities concerned.<sup>50</sup>

Local and international observers of the 2003 elections concurred that in most areas in Delta State, the level of fraud and violence, most of it carried out by PDP supporters, totally discredited the election process; yet, as elsewhere, official election results were announced, and the PDP state governor was re-elected. In some locations, there was not even any pretence at staging elections. For example, many polling stations in Warri did not open on April 12; of those that did, several had to stop the elections soon after they started, and postpone them to the following day. The TMG reported that in Ughelli, angry youths burnt down the INEC office in protest at the postponement of elections.<sup>51</sup> In other locations, armed thugs snatched ballot boxes or vandalized election materials. An election observer in Warri described vehicles full of PDP thugs screeching into view at polling stations, large numbers of youths jumping out and leaving the doors open to show that the vehicles were full of guns and ammunition. The thugs then stood over voters, asking them who they would be voting for. Some voters were so frightened that they replied: “who do you want us to vote for?” Many others simply did not vote.<sup>52</sup>

Most of the violence in Delta State was carried out by PDP supporters. However, opposition party supporters were also reported to have engaged in violence and intimidation, as were groups of armed youths affiliated to particular ethnic groups, rather than political parties. For example, on April 11, on the eve of the National Assembly elections in Koko, the headquarters of Warri north local government area, Ijaw militia launched an attack in which at least one government soldier and perhaps tens of civilians were killed; they also destroyed around fifty buildings, including the local government secretariat.<sup>53</sup>

On May 2 and 3, there was a confrontation between armed Ijaws and the navy in Warri, and armed youths tried to disrupt the state house of assembly elections. Several Ijaws

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<sup>50</sup> See for example “Itsekiri give 30-day ultimatum, threaten to declare Warri State,” *The Vanguard*, April 2, 2004.

<sup>51</sup> TMG preliminary report on the National Assembly elections held on Saturday, April 12, 2003.

<sup>52</sup> Human Rights Watch interview, Lagos, December 9, 2003.

<sup>53</sup> This incident is described in further detail in the Human Rights Watch report “The Warri crisis: fueling violence,” December 2003.

were reportedly killed by the security forces.<sup>54</sup> At least eight other people were reported to have died in clashes between political thugs in several locations, including Okpe and Burutu, during the state house of assembly elections.<sup>55</sup>

### ***Imo State***

Widespread rigging and armed intimidation at polling booths were reported by independent observers in Imo State. As in other southeastern states where the Igbo ethnic group forms a majority, the All Progressive Grand Alliance (APGA) presented a strong challenge to the ruling PDP in the state. APGA was cast as a primarily Igbo party, which put forward as its presidential candidate Emeka Odumegwu Ojukwu, the general who led the southeastern secession attempt during the Biafran civil war of the late 1960s. APGA, ANPP and other opposition parties organized to boycott the elections after the first day, but incidents of violence and intimidation continued on the later days, instigated primarily by PDP supporters but in some cases involving opposition party supporters too.

### ***Killing of Onyewuchi Iwuchukwu and other abuses by PDP supporters in Ikeduru local government***

On the evening of April 19, in Amaimo, Ikeduru local government, Onyewuchi Iwuchukwu, an ANPP member, was shot in front of his family by PDP supporters associated with the PDP's local chairmanship candidate, Samuel Anyanwu, known as Samdaddy. He died on his way to the hospital. Witnesses were able to identify several of the perpetrators by name, including the man who fired the shot which killed him, alleged to be the younger brother of Samuel Anyanwu and also a PDP supporter.

The warning signs began on April 12. At the polling booth, on April 12, Iwuchukwu was involved in an altercation with PDP supporters. One of them, Jophet Duru, the personal assistant to the former transitional local government committee chairman, reportedly threatened him and said: "This is the age your father died. You will also die at this age." On the same day, Jophet Duru in the company of other PDP supporters was seen pointing out Iwuchukwu's house.<sup>56</sup>

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<sup>54</sup> Human Rights Watch telephone interview, May 5, 2003.

<sup>55</sup> See "Police – 8 feared dead in Delta as MDJ asks court to stop Obasanjo's victory," *The Vanguard*, May 5, 2003.

<sup>56</sup> Human Rights Watch interviews, Amaimo, July 8, 2003.

On April 19, Iwuchukwu was involved in a dispute between ANPP and PDP agents and supporters over whether the ballots would be counted at the polling booth or at the collation center. Soon after the dispute, a group of thugs led by a PDP supporter, Emmanuel Alaribe, arrived in two vehicles; they asked where Iwuchukwu was, but he had already left. They then attacked another ANPP agent, Anthony Akuneho Koga, with machetes; he fell down and lost consciousness. The PDP thugs then left with the ballot box.<sup>57</sup> A witness described how the PDP thugs tracked down Iwuchukwu at his home:

After we came back home, one of the PDP thugs, Julian Onyejiwa, passed by on a bike. Less than five minutes later, at about 7.30 p.m., a bus came by with thugs, including this Julian. This bus was filled. The people came down from the bus; they surrounded everybody and shot into the air. I could identify about four of them, Kelechi Anyanwu, Jude Akaronye, Anthony Mka and Ndidi Ugwuezuoke. Ndidi pointed at him [Onyewuchi] and said: “Look at him! Look at him!” Then Kelechi, the younger brother of Samdaddy, shot him on the right side of the stomach; the bullet came out the left side. He [Onyewuchi] then tried to escape; they shot at him again in the left arm, then he fell down.[...] Some people carried Onyewuchi to the hospital, but on the way he died [...] They arrested Kelechi on Sunday, then released him three days later.<sup>58</sup>

A family member reported the case to the police:

I brought them [the police] to Samdaddy’s house to make arrests. There, they didn’t even know the boy was dead; the door was open and they were all there drinking. Ndidi was there. When he saw me he ran away. They all did, including Anthony and Jude, except Kelechi. The police took him and moved out immediately [...]

When we arrived there, I made a statement. [...] The IPO [investigative police officer] told me to make a strong move [to push the case forward quickly], otherwise a higher instruction might come from above. After three days (on April 23) they released him. I kept asking the IPO to come and investigate – he never did [...] Immediately after Kelechi was

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<sup>57</sup> Human Rights Watch interview, Amaimo, July 8, 2003.

<sup>58</sup> Ibid.



released, we knew it. I went to the IPO and he explained that he had an order from above.<sup>59</sup>

Had the police pursued an earlier case of violence at the polling booths on April 12, Iwuchukwu's killing might have been averted. An ANPP polling agent at a different polling booth in Ikeduru local government reported that a group of armed PDP supporters, including two of those named by witnesses as being present when Iwuchukwu was shot a week later, arrived at the polling booth. The ANPP agent said that when he resisted their attempt to take the ballot box, they started shooting into the air. One of them pointed a gun at him, saying "this is the stubborn one," and shot towards him once; the bullet grazed the top of his head. He reported the case to the state commissioner of police: "He told his men to arrest these boys. The next day he left for Abuja. One officer said to me there was no available vehicle. . . . Of course nothing happened in our case. Events overtake events. Only a couple of days later, Iwuchukwu was killed."<sup>60</sup>

When Human Rights Watch asked the Imo State deputy commissioner of police about the killing of Onyewuchi Iwuchukwu, he claimed that Kelechi and Iwuchukwu had been involved in a "prolonged fight. As far as I'm concerned it was not election related."<sup>61</sup> He was unsure whether Kelechi had been charged to court or released without charge.

Samuel Anyanwu (or Samdaddy) claimed that his younger brother Kelechi had been accused of killing Iwuchukwu "to score a cheap political point." He said Kelechi had been with him at the local government headquarters at the time of the shooting, and that he was not even a member of the PDP. Although he believed Iwuchukwu's killing must have been election-related, he claimed he did not know the circumstances of the killing.<sup>62</sup>

Samdaddy and the transition committee chairman, Charles Anukwa, were also alleged to have been involved in other abuses against ANPP members who protested against PDP attempts to rig the elections. An ANPP agent reported to the police an incident which occurred the day after the National Assembly elections, when he had tried to prevent PDP supporters from taking ballot boxes away from a voting centre. On April 13, he

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<sup>59</sup> Human Rights Watch interview, Amaimo, July 8, 2003.

<sup>60</sup> Ibid.

<sup>61</sup> Human Rights Watch interview with Barrister Joseph A. Abi, Deputy Commissioner of Police, Owerri, 8 July, 2003.

<sup>62</sup> Human Rights Watch interview, Owerri, July 8, 2003.

was attacked by three people, including Jude Akoronye (who was also named in the killing of Onyewuchi Iwuchukwu) and Emmanuel Alaribe (named in the attack on Anthony Akuneho Koga). They took him to the house of Samuel Anyanwu:

[They] attacked me at my father's gate. They flogged me with a machete, brought out guns to shoot me, but later they tied my legs and hands and threw me inside of the boot of the bus they came in, and drove off to the house of Samuel Anyanwu .... There they threatened to kill me. They tortured me there and threatened all evils against me. They ask me to accept that from today I will no longer associate myself with Chief Vitalis Orikeze [the ANPP chairmanship candidate for Ikeduru local government] when for the safety of my life I said I will never come close to him they pushed me out of his gates after I have been injured seriously.<sup>63</sup>

Another ANPP agent was briefly abducted on the orders of transition committee chairman Charles Anukwa, after protesting that Anukwa, accompanied by mobile policemen, took away ballot boxes from the vote collection centre, on April 19:

Dr Charles Anukwa Transition Chairman of Ikeduru arrived in his official vehicle escorted by a team of mobile policemen [...]. In all I saw about eight policemen. Dr Charles Anukwa started ordering the presiding officers to go into the bus with their ballot boxes. Some who hesitated had their boxes pushed into the bus with the aid of the policemen. I felt I can not watch them take away my booth's ballot box though empty. Dr Charles Anukwa ordered a policeman to push me into the bus. I was forced into the bus believing they were going to the local government ... The next thing I saw near Nkwo-Imo Market was a big gate that was opened I saw myself, in Samuel Anyanwu's compound [...] all the Presiding officers escorted by the Policemen into Samuel Anyanwu's Parlour. I was kept under their security surveillance behind. [...] it took the mercy of God for me to escape of the two gates that were guarded by masked men. [...] There were over a hundred youths armed in that compound that day.<sup>64</sup>

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<sup>63</sup> Letter to Imo State Commissioner of Police, April 14, 2003. The signatory's name is withheld for his security.

<sup>64</sup> Letter to Imo State Commissioner of Police, April 21, 2003. The signatory's name is withheld for his security.

The man reported the incident to the State Security Service (SSS) in Ikeduru, who said he should report it to INEC, which he did. He reported that since then, he had been threatened by Anukwa, “who continually warned that he will deal decisively with me.”<sup>65</sup>

***Attack against opposition candidate by PDP supporters and arson of local government headquarters by opposition supporters***

On April 19, Tony Dimegwu, an ANPP state House of Assembly candidate from Ahiazu-Mbaise local government, was seriously injured by PDP supporters. According to an independent election observer, Dimegwu had heard rumors that PDP agents were carrying marked ballots into his constituency. When he challenged them, he was severely beaten by PDP thugs, who were reportedly led by Chidi Ibe, the local government’s transition committee chairman.<sup>66</sup> Dimegwu was taken to hospital, where his political associates said he remained for several days before being flown to Italy for more serious medical treatment resulting from his injuries.

An ANPP leader in Ahiazu-Mbaise local government described how Tony Dimegwu was attacked:

We met the transition committee chairman and a whole lot of [PDP] thugs. They had five or six vehicles [...] Tony challenged them [the PDP supporters], saying he suspected they were carrying ballots or boxes. I saw Chidi Ibe hold Tony while boys were beating him, some with bare hands, some with irons [iron bars]. About five policemen were there with Ibe. I saw the police were just shooting into the air. Finally Tony fell down. I thought he was dead [...] The PDP raced off and the police went with them. One other vehicle collected Tony; I learnt later they took him to hospital. I saw him two days later in hospital. He was still bad then, he couldn’t talk at all.<sup>67</sup>

An ANPP member who witnessed the attack on Tony Dimegwu reported that Nnanna Raphael Igbokwe, the PDP candidate who eventually defeated Dimegwu in the state House of Assembly contest, was also present when Dimegwu was attacked, but could not confirm whether Igbokwe participated in the beating. When Human Rights Watch

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<sup>65</sup> Ibid.

<sup>66</sup> Human Rights Watch interview, Mbaise, Imo State, July 7, 2003.

<sup>67</sup> Human Rights Watch interview, Mbaise, Imo State, July 7, 2003.

met Igbokwe, he denied having ever met or seen Dimegwu, although the two of them had been contesting the same seat. He refused to comment on the case.<sup>68</sup>

After this incident, a rumor spread that Dimegwu had been shot. That evening, in reaction to this news, a group of ANPP and other opposition supporters went to the local government headquarters building and set fire to it, burning the front part of the building.

The police investigations into these two cases – the attack on Tony Dimegwu and the burning of the local headquarters – were transferred together from Imo state police to the multi-state Zone 9 Area Command based in Abia state.<sup>69</sup> A local ANPP leader had already been arrested by the next morning. Within a few days, four other local ANPP members and leaders were arrested. They were detained for five days, charged with conspiracy to commit arson, and granted bail.

In contrast, no PDP supporters were arrested in connection with the attack on Tony Dimegwu. Chidi Ibe, the transition committee chairman, was only questioned by the police. ANPP members claimed they gave the Zone 9 police about N5,000 (approximately U.S. \$36) for transport to come to Mbaise to investigate the case, but that the police never came.<sup>70</sup> The Imo State deputy commissioner of police told Human Rights Watch that because the case had been transferred to Zone 9, he was not sure of the outcome.<sup>71</sup>

### *Other incidents*

A report by the opposition party APGA on the presidential and governorship elections in Imo State stated that in Orsu local government, a group of armed men in three buses, carrying knives, cutlasses, axes and guns with live ammunition, drove around the area from the early morning and beat up several individuals who they believed did not support the PDP; and in Ndiawa, in Okigwe local government area, an ANPP supporter was beaten up after he refused a cash bribe to rig the election result.<sup>72</sup>

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<sup>68</sup> Human Rights Watch interview, Owerri, July 8, 2003.

<sup>69</sup> The Nigerian police force is a federal institution, organized into area commands each covering several states. Imo State is covered by the Zone 9 area.

<sup>70</sup> It is not uncommon for the police in Nigeria to ask crime victims for money, supposedly to pay the costs of the criminal investigation. The Nigerian police force is dramatically under-funded and plagued with corruption.

<sup>71</sup> Human Rights Watch interview with Barrister Joseph A. Abi, Deputy Commissioner of Police, Owerri, 8 July, 2003.

<sup>72</sup> "Summary of events that occurred during the purported presidential and governorship elections of April 19<sup>th</sup> 2003 (4-19) in Imo State." The 18-page report provides a detailed catalogue of incidents of violent intimidation

The same report noted that on April 19, in Umudi/Umuwala ward, in Nkwere local government, two bus loads of mobile police officers came to the polling booth and attempted to force voters to vote for the PDP. Agents from the opposition parties protested and scuffles broke out, during which ballot boxes and other materials were destroyed. The report also describes violence on April 19 in Ehime Mbano local government area, involving mobile police believed to be acting on behalf of a state government official; it states that several people were killed.<sup>73</sup>

On April 19, a TMG observer in Ngor Okpala local government area witnessed five or six youths arrive at a polling booth in an unmarked bus and shoot into the air. There was only one unarmed police officer present who took no action. The presiding officer reported the incident to a team of roving armed police officers in the area, but no arrests were made.<sup>74</sup>

The same observer reported that at another village in the same area, he encountered a roadblock set up by about thirty opposition youths armed with machetes. The youths had set up the roadblock to stop PDP and INEC officials who had allegedly cut short the elections and taken away the ballot boxes. "They saw the INEC sticker on my car [which I had because as a TMG observer I was INEC certified] and they dragged me out of my car.... We tried to explain who we were. Then a team of police came and intervened. They dispersed the youth without attempting to make any arrests. They couldn't have really made arrests anyway as they were outnumbered."<sup>75</sup>

### ***Ebonyi State***

Ebonyi State was one of the states worst hit by election-related violence. Several serious incidents also took place in the days preceding the elections. The Civil Liberties Organisation recorded at least twelve cases of assassination of ANPP members in Ebonyi State, believed to have been orchestrated by the PDP, in March and April.<sup>76</sup> Among the victims was Anthony Nwodu, secretary of the ANPP in Ezza North local government, who was abducted from a police station by armed PDP supporters on

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and rigging observed by party agents in Imo State. Human Rights Watch has not been able to confirm the details of all the cases described in this report.

<sup>73</sup> Ibid.

<sup>74</sup> Human Rights Watch interview, Owerri, July 7, 2003.

<sup>75</sup> Ibid.

<sup>76</sup> For details, see "Pre-electoral and electoral violence and intimidation in the southeast," Civil Liberties Organisation, April 16, 2003.

March 21 and killed, allegedly in the house of a prominent PDP politician in the state. Two of the leaders of the group who allegedly killed Anthony Nwodu were charged with his murder.<sup>77</sup> A few days later, on March 27, Ikenna Ibor, a councillorship candidate for the ANPP, was shot dead at the ANPP secretariat in the state capital, Abakaliki. The incident was reported to the police, who confirmed that he had been shot in the stomach, thigh and hand, and stated they were investigating the case.<sup>78</sup>

Some of the worst violence during the election period took place on April 12. A human rights organization in Ebonyi, which sent observers to all the polling booths in the state on the three days of the elections, reported: "No political party cared about democracy and democratic principles. The period leading to the elections was characterized by unprecedented violence by the ruling party (PDP) and its major opposition (ANPP) and all the other parties. All the elections were marred by thuggery, violence, killings, ballot box snatching, ballot box stuffing, under aged voting, intimidation, result falsification, arson and disenfranchisement of the electorate. INEC officials and security agents colluded with the ruling PDP and the Government. There were hardly any gubernatorial and presidential elections in the State as the other parties mostly boycotted the exercise to save the lives of their members and supporters."<sup>79</sup> In a summary of its findings, the same human rights organization noted: "Violence and arson marred the conduct of elections in most places, especially in Afikpo North, Afikpo South, Ikwo, Ohaukwu and Ezza North L.G.[local government] Areas."<sup>80</sup> Opposition parties claimed that deaths were recorded in seven local government areas during the National Assembly elections alone: Umuoghara, Ezza North, Ishielu, Afikpo North, Afikpo South, Ivo and Ohaozara.<sup>81</sup>

### *Violence in Ikwo local government*

On April 23, there was a clash between ANPP and PDP supporters in Ikwo local government. A PDP supporter, Paul Ezeka, was badly beaten and died within a few days. Silas Njakka, the former vice chairman of Ikwo local government and a member of the ANPP, was arrested in connection with the murder on April 25. He claimed that the day after his arrest, his filling station and his father's compound in Ikwo were burnt down, and his step-mother was beaten. He said his father had told him that Njakka's six-

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<sup>77</sup> Ibid. Also see "Assassins take over Ebonyi," *The News*, April 14, 2003.

<sup>78</sup> Human Rights Watch interview and police report, Abakaliki, July 11, 2003.

<sup>79</sup> "The 2003 elections in Ebonyi State: a report by the Human Rights Centre, Ebonyi State." The report contains details of incidents of violence and other abuses across the state on April 12, April 19 and May 3.

<sup>80</sup> "A voice of conscience. Human Rights Centre, Ebonyi State, statement on the 2003 elections," May 19, 2003.

<sup>81</sup> Joint press conference by ANPP, UNPP, NDP, APGA, AD and MDJ on the just concluded National Assembly elections in Ebonyi State, held at the ANPP state secretariat, Abakaliki, on April 15, 2003.

month-old half-brother, Sunday Njakka, fell out of his mother's arms when she was attacked and died the next day. He claimed that a group of armed PDP supporters, reportedly patronized by a well-known supporter of the incumbent PDP state governor, had previously broken into and vandalized his house on April 6, and had returned again on the night of April 12 but had been repulsed by a local vigilante group.<sup>82</sup>

During the election period, more than a dozen people were killed in fighting in Umeh, a small community in Ikwo local government, in a clash between community groups associated with the PDP and the ANPP. The tension in Umeh originally was not political but related to a dispute over land. One faction was led by Uchechi Nwanchor, a PDP community leader, and the other faction became associated with the ANPP. It appeared that in Umeh, as in other locations, politics was used as the battleground for the communal dispute, and the elections exacerbated some of the bitterness that previously existed.

Towards the end of April, a false rumor spread through Umeh that Edwin Igwe, an electoral officer and an ANPP leader in the community, had been killed by PDP supporters.<sup>83</sup> In response to the rumor, on April 29, ANPP supporters attacked and killed Daniel Nwanchor, a relative of Uchechi and the father of the PDP's local ward councillorship candidate Ogbonnaya Daniel. They also attacked and injured other PDP supporters. According to PDP supporters in Umeh, those injured included Sunday Ugbala, who was shot in the leg, Nwali Igboji, who was stabbed, and Nweke Nwite, who was stabbed and beaten. They claimed the attackers numbered more than one hundred and were armed with sticks, rods, axes, machetes, and local guns.<sup>84</sup>

In response to the killing of Nwanchor and the ANPP attacks, PDP supporters spread through the community, burning ANPP members' homes and killing some of their inhabitants. A local organization monitoring the elections found six corpses in Umeh soon after the conflict and reported that a total of seventeen people had died.<sup>85</sup>

PDP members confirmed that the mobile police eventually intervened, but said nobody in the village was arrested. When Human Rights Watch spoke with a police representative, he said that there had been no killings reported in Umeh.<sup>86</sup> In October, it

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<sup>82</sup> Human Rights Watch interview, Abakaliki, July 11, 2003.

<sup>83</sup> Although the community dispute was not purely defined along party political lines, this section refers to PDP supporters and ANPP supporters for ease of reference.

<sup>84</sup> Human Rights Watch interviews, Umeh, July 12, 2003.

<sup>85</sup> Human Rights Watch interview, Abakaliki, July 9, 2003.

<sup>86</sup> Human Rights Watch interview with Ebonyi State Police Public Relations Officer, Abakaliki, July 11, 2003.

was reported that five ANPP supporters were arrested and charged with the murder of Daniel Nwanchor and other acts of violence.<sup>87</sup> However, none of the PDP supporters involved in the violence were reported to have been arrested.<sup>88</sup>

### ***Violence and intimidation in Afikpo North***

In Uwanna, in Afikpo North, there was serious inter-communal violence following the May 3 state house of assembly elections. The former minority leader from the State House of Assembly, Arinze Egwu, who before the elections had defected from the ANPP to the PDP, was from this area, and had been attacked and beaten before the elections. On the day of the house of assembly elections on May 3, a rumor circulated that an APGA supporter known as Ziko had been shot and killed. An all-too-common story of reprisal and counter-reprisal ensued. Supporters of opposition parties, who had banded together in the wake of earlier elections, organized to disrupt the elections and destroy ballot boxes, and burned the house and car of the PDP supporter suspected of killing Ziko. In response, PDP supporters burned homes and attacked opposition supporters. One of their victims reported:

On May 4, at 3.45 a.m., while I was sleeping, I heard banging, and glass in my house started breaking. Seventeen men were attacking my house ... I recognized five of them [by name]. These are thugs for Arinze Egwu... I was the only one in the house. When they first came in I heard about five gunshots; they also had cutlasses and I got two sharp cuts on my arm. [...] I sustained cuts on my head, and had to have stitches. My arm was cut and I had surgery, the bones were totally broken, the arm was only attached by the artery.<sup>89</sup>

Some of the same thugs were witnessed carrying out an armed attack on the home of Olusegun Mbadiwe Ibiam, a man believed to be sympathetic to the ANPP. Three of his family members were shot at, but survived despite serious injuries. Osinnachi Bumi Ibiam, an eighteen-year-old female student, received multiple gunshot wounds in the side and arm; Osunachi Nkama, a twenty-nine year-old woman, was shot in the neck and the side; and Chidera Umezurike Nkama, her three-month-old son, received pellets in

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<sup>87</sup> See "Murder – 5 ANPP supporters arraigned," *ThisDay*, October 16, 2003.

<sup>88</sup> Human Rights Watch correspondence, November 2003.

<sup>89</sup> Human Rights Watch interview, Uwanna, July 10, 2003.



the head and abdomen. Olusegun Ibiam's house, along with several others in the community, was burned to the ground.<sup>90</sup>

Following these events, the state government appointed a crisis committee and deployed approximately fifty mobile police to the community. A community leader reported that around a dozen youths from opposition parties were detained, while the PDP supporters who had been involved in crimes were being protected by the mobile police.<sup>91</sup>

In a separate incident in Afikpo North, an ANPP supporter who said that he had tried to resist PDP attempts to rig elections in the area reported that he was attacked by four PDP supporters, including a local councillorship aspirant, on April 20, after the national assembly elections. They chased him over a distance of about two kilometers and attacked him with metal tools and belts, shouting "you will not rule this town, we will."<sup>92</sup>

Election observers in Afikpo North polling booths reported that on April 12, the governor's Special Advisor on Legal Affairs, Mudi Erhenede, had organized and was leading a band of armed PDP supporters.<sup>93</sup> A group of election observers associated with the ANPP, who on several occasions challenged the way the elections were being run, reported to Human Rights Watch that they felt threatened by Mudi and his thugs. One of these observers said that three of Mudi's thugs, in his presence, approached her in a threatening manner when she tried to pose in a photograph with a ballot box that had been smashed by a PDP agent. Another said that his vehicle was chased and shot at while traveling between various polling booths.<sup>94</sup> An ANPP agent in Afikpo North reported that about ten armed PDP thugs were present at the polling booth and shot into the air and created chaos when ANPP agents complained about the insufficient number of ballot papers. Down the street from this same polling booth, a young man said that he heard shooting and was then attacked by a "thug" whom he recognized from the PDP senatorial candidate's family compound. He was kicked and beaten with a bottle and needed nine large stitches in his leg. He said there had been a mobile police officer in the vicinity who did not try to intervene.<sup>95</sup>

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<sup>90</sup> Police medical reports, Afikpo north; and Human Rights Watch interview and visit to burnt home, Uwanna, July 10, 2003

<sup>91</sup> Human Rights Watch interview, Uwanna, July 10, 2003,

<sup>92</sup> Human Rights Watch interview, Ukpa, Afikpo North, July 10, 2003.

<sup>93</sup> Human Rights Watch interviews, Abakaliki, July 9, 2003, and Ukpa, Afikpo North, July 10, 2003.

<sup>94</sup> Human Rights Watch interviews, Abakaliki, July 9, 2003.

<sup>95</sup> Human Rights Watch interview, Ukpa, Afikpo North, July 10, 2003.

### ***Killing of INEC ward presiding officer in Ezza North local government***

Godwin Aleke, a headmaster who was appointed as a ward presiding officer in Umuoghara, Ezza North local government, was beaten to death on the night of April 12, the day of the National Assembly elections. Tension had existed for some time in Umuoghara between two rival youth associations, the Ogharugo Youth Association (OYA) and the Ogharugo Development Union (ODU). In the election period, this tension took on a political dimension, as OYA was associated with the PDP while ODU was linked with the ANPP. It was rumored, though not confirmed, that Aleke had had an agreement with the PDP to sell some of the result sheets to them. A member of the community familiar with the circumstances of his killing said that on the evening of April 12, Aleke was still in possession of the result sheets. Apparently both ANPP and PDP members were pursuing him to obtain them, either by force or for a fee.<sup>96</sup> Eventually he took refuge in a local chief's compound. He left there in a vehicle with an ANPP member whom he considered a friend at about 11 p.m., but was followed by two other vehicles, whose occupants eventually cornered him and beat him to death.

About twenty-six people were arrested in connection with his death, including members and friends of the ODU and people associated with the ANPP. In October, five of them were still in detention, charged with murder.<sup>97</sup>

### ***Other incidents***

Election observers reported that the driver and cousin of Chima Nnachiagwu, the National Democratic Party (NDP) candidate for the national House of Representatives, was killed in Afikpo South three days after the National Assembly elections.<sup>98</sup> There had been tension between Nnachiagwu and Irem Ibom, the PDP candidate who won the election, as both of them had originally contested for the PDP nomination. According to local observers, Chima Nnachiagwu had moved to the NDP as some PDP members had viewed him as not sufficiently supportive of the state governor.<sup>99</sup> A police representative confirmed his death and said that three people had been charged to court, although no further details were forthcoming.<sup>100</sup>

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<sup>96</sup> Human Rights Watch interview, Umuoghara, July 11, 2003.

<sup>97</sup> Human Rights Watch interview, Umuoghara, July 11, 2003, and subsequent correspondence. See also "The 2003 elections in Ebonyi State: a report by the Human Rights Centre, Ebonyi State."

<sup>98</sup> Human Rights Watch interview, Abakaliki, July 9, 2003.

<sup>99</sup> Ibid.

<sup>100</sup> Human Rights Watch interview with Ebonyi State Police Public Relations Officer, Abakaliki, July 11, 2003.

A local human rights group reported that in Effium, in Ohaukwu local government, on April 12, House of Assembly PDP candidate Bernard Uzimu was beaten and kicked by ANPP supporters after he tried to snatch a ballot box; they abducted him and detained him for three days.<sup>101</sup> An ANPP ward chairman, Hyacinth Ekebe, was also reportedly beaten in his house on the day of the National Assembly elections.<sup>102</sup> Violent incidents were also reported in Ishielu local government on April 12, including the beating of three ANPP members as they were making their way to Umuhuali to vote.<sup>103</sup>

In Ezza South, a TMG monitor reported that houses were set on fire during the April 12 elections. The identity of the perpetrators is not known; however, this example is typical of the destruction of property which took place alongside other forms of violence in many locations during the election period.

## ***Violence and intimidation in other states***

### ***Enugu State***

The elections in the southeastern state of Enugu were also characterized by incidents of violent intimidation, most of them carried out by PDP supporters, especially during the April 12 National Assembly elections. The Civil Liberties Organisation claimed that at least five people were shot dead and several others injured in the course of electoral violence in Enugu.<sup>104</sup> There were reports of beatings of opposition supporters, shooting, and other forms of intimidation. APGA members reported being beaten in the state capital, Enugu, while other opposition members, including an ANPP candidate in the National Assembly elections, were beaten in Udi local government.<sup>105</sup> Some European Union election observers who had reported abuses during the April 12 elections were implicitly threatened by the Enugu State governor, who complained about their coverage of the April 12 elections and said he could not guarantee their safety if they did not leave.<sup>106</sup>

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<sup>101</sup> Human Rights Watch interview, Abakaliki, July 9, 2003.

<sup>102</sup> "The 2003 elections in Ebonyi State: a report by the Human Rights Centre, Ebonyi State."

<sup>103</sup> Ibid.

<sup>104</sup> For details, see "Pre-electoral and electoral violence and intimidation in the southeast," Civil Liberties Organisation, April 16, 2003.

<sup>105</sup> Human Rights Watch correspondence, April 2003.

<sup>106</sup> Ibid.

## *Edo State*

Several deaths and incidents of violent intimidation were reported in Edo State during the elections. In addition to the incidents below, voting on April 12 was violently disrupted by party thugs in several locations, especially in the state capital, Benin City.

An ANPP returning officer reported that on April 19, three ANPP members of his escort were killed outside the collation center at Ehor, the headquarters of Uhumwode local government, while he was inside; the identity of the perpetrators was not confirmed. Later that same night, he refused to sign the result sheets, because he had received a message that results had already been announced in Benin City, even though the votes were still being counted in the collation center:

I wrote “I disagree with the result” and I signed. That’s when everything went wild. The INEC official yelled at me, asking me: “how could you do this to us?” A soldier came and pointed a gun at me. [Other ANPP supporters] were waiting outside, monitoring and making sure I was safe. When they saw [the situation] through the window, it started a problem outside. There was shouting and then we heard repeated rapid gunshots from outside; everyone including my driver ran away, so I was left alone. <sup>107</sup>

The same ANPP agent (who escaped the above incident unharmed) said he witnessed the killing of an ANPP youth leader called Obadiarho in Oredo local government:

We heard gunshots from where the voting was. As we drove closer, we saw people running away. We stopped. We were scared to move forward. Someone who was shot was still running. He fell down and others came to rescue him. I drove back to look for mobile police who were supposed to be guarding, but they were nowhere to be found. Before he [Obadiarho] died a few minutes later, he said “the military killed me.”<sup>108</sup>

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<sup>107</sup> Human Rights Watch telephone interview, April 28, 2003.

<sup>108</sup> *Ibid.*

The same witness told Human Rights Watch that Sgt. Ofabuo Khen, a police officer who had been sympathetic to ANPP complaints about the elections, was also killed on May 3.<sup>109</sup>

The ANPP governorship candidate in Edo reported that four ANPP members were killed at Anegbette in Eftako Central local government area in a dispute with security agents over access to the collation center.<sup>110</sup>

A PDP official claimed that violence had also been committed by ANPP supporters against PDP supporters in Edo State. He gave the example of an attack in Irrua, in Esan central local government, in which he claimed two PDP supporters were killed by ANPP supporters, during elections for members of the National Assembly.<sup>111</sup> Another source reported that in Eftako West local government, a former PDP local government chairman was beaten by ANPP supporters. This angered PDP supporters who started shooting into the air, and reportedly killed one of their own group by accident.<sup>112</sup>

### ***Kogi State***

In Kogi State, several people were killed and others injured during the elections. It was reported that in Idah local government, a prominent ANPP member called Salifu was shot dead while trying to carry away a ballot box.<sup>113</sup> In Okene local government, fighting between PDP and ANPP supporters started early in the morning of April 12, and supporters of both parties used arms to hijack election materials, both in the days preceding the elections and on the election day itself. A human rights activist was told that at least two people were shot dead on April 12. Fighting between PDP and ANPP supporters was also reported on April 19 in Ogori-Magongo local government, as well as other locations in the state.<sup>114</sup>

Elections had to be halted at several polling stations because of violence and intimidation. An independent election observer reported that in one location, the sounds of gunshots initially scattered voters, who then regrouped to vote. However, just an hour later, the voting had to be stopped because ballot boxes were being smashed and armed

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<sup>109</sup> Human Rights Watch telephone interview, May 5, 2003.

<sup>110</sup> Human Rights Watch telephone interview, May 1, 2003.

<sup>111</sup> Human Rights Watch interview, Abuja, July 21, 2003.

<sup>112</sup> Human Rights Watch interview, Abuja, July 21, 2003.

<sup>113</sup> The source was not able to confirm the identity of the perpetrator. Human Rights Watch interview, Abuja, July 21, 2003.

<sup>114</sup> Human Rights Watch telephone interview, May 12, 2003.

thugs appeared at the polling site. A different observer reported: “The ANPP supporters attacked other party agents and fired shots into the air. Both the ANPP and PDP members were chanting war songs. The presiding officer was intimidated so the procedures were not properly followed. Eventually some ANPP supporters stole the ballot box ‘under gunfire.’” A third observer reported that voting at a polling station had to be stopped after unidentified individuals snatched the ballot box and beat the presiding officer.<sup>115</sup>

### ***Middle Belt states***

Incidents of violence were reported in several of the central states known as the Middle Belt, including Benue, Taraba, Plateau, Nasarawa and Adamawa states.

Benue State was one of the few states where soldiers were directly implicated in acts of violence during the election period, most of them against opposition supporters.<sup>116</sup> Several people were reportedly killed by soldiers on April 12 and 19 in Adikpo, Kwande local government, the home area of UNPP gubernatorial candidate Paul Unongo, who was contesting against the incumbent PDP governor. There had also been several acts of politically-motivated violence and killings in various locations in Benue State in the days leading up to the elections.

A national ANPP leader claimed that on the morning of April 12, soldiers opened fire indiscriminately in Adikpo in an effort to intimidate voters in the UNPP stronghold. The ANPP leader claimed that over twenty people were killed by soldiers on the spot, and many more were injured.<sup>117</sup> Human Rights Watch has not been able to verify the details of this incident independently.

On April 19, several more people were killed in Adikpo. According to a source close to the Benue state government, eight ANPP supporters were killed by soldiers who were attempting to dismantle a roadblock set up by ANPP supporters; the source claimed the ANPP youths had been provoking and throwing stones at the soldiers and had attacked and beaten a PDP politician and burned her car.<sup>118</sup> A resident of Adikpo gave a different account: “The former PDP local government transition committee chairman arrived with soldiers, hoping to rig, but it wasn’t possible. So they just opened fire into the

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<sup>115</sup> Incident reports filed by election observers, received by Human Rights Watch in July 2003.

<sup>116</sup> There were reports of violence carried out by soldiers in other states, but most of these remained unconfirmed. Witnesses also sometimes mistakenly referred to policemen as soldiers.

<sup>117</sup> Human Rights Watch interview, Abuja, July 22, 2003.

<sup>118</sup> Human Rights Watch telephone interview, April 24, 2003.

crowd. Several people were killed, we heard, and there were casualties at the hospital including women and small children. Then after they left, there was a reprisal: burning of buildings and cars of those associated with the PDP. We saw ourselves about fifteen houses that had been burnt down.”<sup>119</sup> The chief press secretary to the Benue state governor claimed that on April 18 and 19, houses and property belonging to over twenty prominent PDP members were destroyed, presumably by opposition supporters.<sup>120</sup>

In Plateau State, it was reported that on April 12, at least six and possibly as many as thirteen people were killed in Pankshin local government area.<sup>121</sup> According to a non-governmental organization based in the state capital Jos, an argument broke out after a party agent from the AD was refused entry into a collation centre in Pankshin. After the AD agent challenged those who were trying to block his entry, a traditional leader reportedly ordered for him to be beaten. Youths from various political parties then went on the rampage, burning houses and destroying property belonging to PDP supporters (Pankshin town was not controlled by the PDP). Mobile police reportedly opened fire on youths who had set up roadblocks to prevent the transport of ballot boxes which they alleged had been stuffed with false votes; thirteen people are believed to have died as a result of the police shootings.<sup>122</sup>

Violence was also reported in Wase local government, one of the areas of Plateau State which has experienced serious conflict for several years. Violent clashes between PDP supporters and their opponents took place at the INEC office in Wase on April 19 after voters complained that the PDP was trying to rig the elections. Initial reports indicated that ten people were killed.<sup>123</sup> Human Rights Watch was not able to confirm details of this incident, but as in other locations, the political violence in Wase appeared to overlap with the inter-communal violence. Further inter-communal violence broke out in the area in February 2004, just before the local government elections; dozens of people were reported to have been killed.<sup>124</sup>

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<sup>119</sup> Human Rights Watch interview, Abuja, July 23, 2003.

<sup>120</sup> “Political violence against the PDP in Benue State,” by Tahav Agerzua, chief press secretary to the Benue State governor.

Human Rights Watch has not been able to independently verify which version of the story is correct, as the information was provided by sources which were close to either the PDP or the ANPP.

<sup>121</sup> Human Rights Watch correspondence, April-May 2003. See also “Police investigate election violence,” *Daily Trust*, April 15, 2003.

<sup>122</sup> Human Rights Watch correspondence, December 3, 2003.

<sup>123</sup> Human Rights Watch correspondence, April 17 and December 3, 2003.

<sup>124</sup> Hundreds of people have been killed and thousands displaced in inter-communal violence in Plateau State since 2001. In September 2001, several hundred people were killed in Jos, the state capital, as documented in the Human Rights Watch report “Jos: a city torn apart” (December 2001). Since then, violence has continued

In Nasarawa State, during the state house of assembly elections, the State Commissioner for Women's Affairs, Maimuna Joyce Katai, and several other people were killed in Toto local government area. Human Rights Watch has not been able to confirm the exact details of this incident, but the information available indicates that the commissioner was probably killed in the context of ongoing inter-ethnic conflict in this area, between the Bassa, Igbirra and Gwari ethnic groups. Toto local government area has suffered prolonged violence for several years as these groups have fought for control of political power and resources; thousands of people have been displaced. The killings on the day of the state house of assembly elections on May 3 took place against this backdrop. Maimuna Joyce Katai, who was from the Gwari ethnic group, had gone to her home area of Toto to vote. Local sources believe that those who killed her were members of the Igarra ethnic group, who had been unhappy with her appointment to a state government position. When she arrived at the polling station, some Igarra claimed she had been sent by the Nasarawa state governor to rig the elections in his favor. She was reportedly killed in the presence of her police escorts and election officials. Following the killing, there were further clashes and many residents of the area were displaced. It took the intervention of the army to restore order.<sup>125</sup>

### ***Northern states***

The level of violence in the north was not as severe as in other parts of the country. Nonetheless, some incidents of violence were recorded.

For example, in the Tudun Wada area of Kaduna town, capital of Kaduna State, there was a clash between ANPP and PDP supporters two days after the state house of assembly elections of May 3. Local sources reported that a PDP supporter attacked an ANPP campaign coordinator. The police arrested a large number of people, but not the perpetrator of the attack. The majority of those arrested were reportedly released after paying money to the police.<sup>126</sup> At least one other incident was reported in Tudun Wada, in which a police officer beat up a presiding officer during the state house of assembly elections, following an argument over buying voter cards.<sup>127</sup>

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sporadically, and has intensified since February/March 2004. The overlap between political and inter-communal violence was already illustrated in the period leading up to the elections, in 2002, when scores of people were killed in fighting during PDP primaries in Jos. For further details, see Human Rights Watch report "Testing democracy: political violence in Nigeria," April 2003.

<sup>125</sup> Human Rights Watch correspondence, January 2004, and Human Rights Watch interviews, Abuja, July 2003. Also see "Commissioner, 4 others killed in Nasarawa poll violence," *Daily Trust*, May 5, 2003.

<sup>126</sup> Human Rights Watch interview, Kaduna, July 24, 2003.

<sup>127</sup> Human Rights Watch interview, Abuja, July 21, 2003.



In Sokoto State, in the northwest of Nigeria, election observers recorded at least two deaths as a result of clashes between ANPP and PDP supporters. Both incidents occurred in the aftermath of the National Assembly elections of April 12, one in Tureta local government, the other in Kebbe local government. In both cases, ANPP candidates to the National Assembly won the elections, displacing the PDP. Celebrations by ANPP supporters turned to violence as they clashed with PDP supporters. Election observers reported that in Tureta, a PDP supporter was stoned to death, while in Kebbe, an ANPP supporter died after being severely beaten.<sup>128</sup>

### *The southwest*

Although the elections in the southwest were generally more peaceful than elsewhere, a few incidents of violent intimidation were reported in early April, in the days immediately preceding the elections. For example in Lagos State, there were reports of attacks and intimidation by supporters of several political parties, including the PDP, the AD (which retained the governorship in Lagos State) and some of the smaller parties, such as the New Democrats (ND) and the Progressive Action Congress (PAC). Several people were reportedly injured and property was destroyed. Human Rights Watch has not been able to verify these reports independently. TMG observers also reported that violence broke out between PDP and AD supporters at at least two polling stations in Lagos during the state house of assembly elections of May 3.<sup>129</sup>

## **IV. The inadequate response of the international community**

The 2003 elections in Nigeria were seen as very significant on the international stage, and donor government and intergovernmental organizations provided considerable financial and technical assistance.

Several foreign governments, intergovernmental organizations and other international groups sent delegations to Nigeria to observe the elections. These included the African Union, the Economic Community of West African States (ECOWAS), the Commonwealth, the European Union (EU), the US-based National Democratic Institute and International Republican Institute, and the non-governmental organization Institute for Democracy in South Africa (IDASA). Of these, the EU fielded the largest number of observers (more than one hundred). However, the number of observers

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<sup>128</sup> Human Rights Watch telephone interview, September 9, 2003.

<sup>129</sup> Summary report of incidents recorded in the state houses of assembly polls, TMG.

deployed by any of these organizations was very small compared to the thousands fielded by Nigerian groups; for example, the TMG alone deployed 10,000 observers.

Nigerian and international observer groups produced reports on their observations of the elections. On the basis of these reports alone, it would be difficult for foreign governments to claim credibly that they were not aware of cases of violence during the elections, or to dismiss them as isolated incidents. However, this violence was not accorded the same emphasis in all the observer reports, and even when documented by observers in their written reports, was rarely mentioned in public statements by representatives of the same observer delegations. Some of the reports also contained internal contradictions, in some cases reporting serious incidents of violence, yet concluding that the elections were generally peaceful.

The most critical reports from among the international delegations came from the EU observers. Unlike the other delegations, most of whom arrived in the country just in time for the elections, the EU observers were deployed several weeks beforehand, and may therefore have had a better sense of the build-up of violence in the pre-election period. Their reports highlighted serious irregularities and rigging in a number of states, especially in the elections of April 19 and May 3, and questioned the credibility of the elections in these locations. Referring to the presidential and gubernatorial elections, they stated: “in a number of States the minimum standards for democratic elections were not met.”<sup>130</sup> The EU final report stated that EU observers recorded 105 election-related deaths. However, even this report stated that “a positive feature of these elections was that levels of election related violence was significantly lower than feared [...] While this [105 deaths] was not due to a large scale violent outbreak it remains a worrying figure.” The report also notes: “During all election days, political thugs were used to intimidate voters and/or INEC officials. These acts often turned violent resulting in death to voters or officials. [...]”<sup>131</sup>

The statements of the National Democratic Institute were also fairly critical. They reported that “during the National Assembly polls, instances of ballot stuffing, rigging, voter intimidation, violence and fraud – particularly during the collation process – were so acute in certain parts of the country, particularly the South-South and South-East regions, that we have serious concern about the legitimacy of the results in certain constituencies. A similar and equally worrisome pattern is emerging from the April 19

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<sup>130</sup> European Union Election Observation Mission Final Report. The report mentions evidence of “widespread electoral fraud” in Cross River, Delta, Enugu, Kaduna, Imo and Rivers States, and “similar irregularities, to a lesser extent” in other states including Anambra, Benue, Edo, Katsina and Nasarawa.

<sup>131</sup> *Ibid.*

polls.” The report comments on the use of armed militias by political parties and notes incidents of violence or intimidation in several states.<sup>132</sup>

In contrast, the statements issued by the Commonwealth and the African Union were more positive. The report by the African Union observers stated: “On the whole, the elections of 19th April 2003 were conducted in a congenial atmosphere” and did not mention incidents of violence.<sup>133</sup> The Commonwealth observer group’s interim statement on the National Assembly elections described the voting as “generally peaceful. There were violent incidents in certain places but the most pessimistic predictions were confounded.”<sup>134</sup> Their interim statement on the presidential and governorship elections described the elections as “historic” and “a landmark transfer of power from one civil administration to another,” even though it noted some “shortcomings”. It stated: “In most states where we observed, the election was credible”. However, the same report also noted serious irregularities, vote-rigging and intimidation.<sup>135</sup>

The Commonwealth observers’ final report provides examples of incidents of violence, particularly during the National Assembly elections, and stresses the level of intimidation in Rivers State during the presidential and governorship elections. However, the gravity of these incidents is not adequately reflected in the overall conclusions: “Despite some incidents of violence and intimidation, the elections throughout the country were generally conducted in conditions of order and security, making these the most peaceful elections in Nigeria’s history.” The following conclusion—“There were particular problems in Enugu and Rivers State which effectively denied some Nigerians the opportunity to participate in the democratic process”—creates the impression that these problems were limited to those two states, despite the fact that the report itself mentions violence in several other states.<sup>136</sup>

The Nigerian government’s sensitivity to international “approval” of the elections was demonstrated in its reactions to the reports published by the various observer delegations. It tried to discredit the EU report, while expressing satisfaction with the

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<sup>132</sup> Statement of the National Democratic Institute (NDI) international election observer delegation to Nigeria’s April 19 presidential and gubernatorial elections, Abuja, April 21, 2003.

<sup>133</sup> Statement by the African Union observer/monitoring team on the 2003 presidential, gubernatorial and National Assembly elections in the Federal Republic of Nigeria.

<sup>134</sup> Commonwealth observer group, interim statement on the National Assembly elections, April 14, 2003.

<sup>135</sup> Commonwealth observer group, interim statement on Nigeria’s presidential and governorship elections. – 19 April 2003, April 22, 2003.

<sup>136</sup> “The National Assembly and Presidential Elections in Nigeria - 12 and 19 April 2003. Report of the Commonwealth Observer Group.” Commonwealth Secretariat, April 2003.

more positive statements of the Commonwealth and other groups. President Obasanjo was quoted as saying: “The Commonwealth report was a neat job compared to the report of the EU and other foreign observers.” He also tried to attribute some of the problems during the elections to cultural differences: “The Europeans should not think that we are Europeans. Our culture and environment are different from theirs.”<sup>137</sup> INEC spokesperson Sam Okpo described the EU’s interim statement on the elections as “excessively negative” and a “deliberate attempt to create confusion for the electoral process and thereby destabilise the country.”<sup>138</sup> These comments were later echoed by the ECOWAS parliament, which reportedly said that “the irregularities observed are not of a magnitude to adversely affect the conduct of the elections and therefore cannot invalidate the elections.”<sup>139</sup> The speaker of the ECOWAS parliament was quoted as saying that there was no justification for the unhelpful conclusions of the EU election monitors.<sup>140</sup>

The official reaction from Rivers State illustrated most starkly the way in which Nigerian government officials seized on positive international reactions to the elections, while disregarding the more nuanced criticisms. Peter Odili, the governor of Rivers State, told journalists: “The final position of the Commonwealth is a vindication of what has happened in Nigeria, that we have democratically come of age, that we can conduct credible elections.”<sup>141</sup> Yet the Commonwealth observers had singled out Rivers State for its harshest criticism, stating in their final report: “Although there were other pockets of violence and malpractice elsewhere, conditions in Rivers State seemed to be in a different league from those observed by our teams in other parts of the country [...] in Rivers, and a few other places, there was serious violence, intimidation and vote-rigging.”<sup>142</sup>

Statements made by individual foreign governments once the elections were over also failed to reflect the true picture. Although they acknowledged that a certain level of fraud and rigging had taken place, many governments rushed to welcome the elections, and few made any mention of the violence.

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<sup>137</sup> “Nigerian leader slams EU,” BBC News online, 25 April 2003.

<sup>138</sup> “Nigerian poll agency accuses EU monitors of sowing confusion,” Agence France-Presse, April 29, 2003.

<sup>139</sup> “ECOWAS parliament endorses Nigeria’s election, chides EU,” *ThisDay*, June 17, 2003.

<sup>140</sup> “2003 elections – INEC could have done better – Obasanjo,” *Daily Trust*, June 13, 2003.

<sup>141</sup> “The EU got it wrong,” News Africa magazine, June 23, 2003.

<sup>142</sup> “The National Assembly and Presidential Elections in Nigeria, 12 and 19 April 2003. Report of the Commonwealth Observer Group.” Commonwealth Secretariat, April 2003.

As Nigeria's most important foreign partners, the U.S. and U.K. governments had a particular interest in the outcome of the elections. Statements issued by these two governments typified the strength of international support for President Obasanjo and the willingness to overlook human rights abuses.

For example, in a statement put out by the White House, "the United States congratulates the people of Nigeria for what was largely a peaceful expression and exercise of their right to vote [...] The widespread violence predicted by many did not happen." The statement expresses concern about reports of voting irregularities, but does not mention incidents of violence. It states: "President Bush looks forward to working with President Obasanjo on our common interests and to deepen the strong and enduring friendship between the United States and Nigeria."<sup>143</sup>

A similar statement was issued by the U.K. Foreign Secretary Jack Straw following the presidential elections. In a press release on April 29, 2003, he described the elections as "a landmark in the advancement of Nigeria's democracy. We welcome the relative calm in which the elections took place. [...] The British Government believes that President Obasanjo now has a clear mandate for his second term. [...] The UK will continue to work closely with President Obasanjo and his Government to tackle the challenges facing Nigeria and the rest of Africa." The press release states that the U.K. government is "disturbed by reports of serious fraud and irregularities in some States" and urges those pursuing grievances through the tribunals to avoid "any provocation towards violence." However, it does not mention the many incidents of violence and intimidation that had already marred the elections in several states.<sup>144</sup>

Human Rights Watch wrote to Foreign Secretary Jack Straw on May 2, expressing concern that this kind of statement could send the wrong signal to the Nigerian government by giving the impression that the U.K. government was prepared to overlook certain human rights abuses in the interests of maintaining good relations.<sup>145</sup>

Bill Rammell, Foreign and Commonwealth Minister with responsibility for human rights, replied to Human Rights Watch, acknowledging that "there were many instances of violence in the run-up to the elections. We have never condoned such violence. On the contrary, in the months preceding the elections the British High Commissioner in Nigeria spoke on a number of occasions with President Obasanjo and other political

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<sup>143</sup> Statement on Nigerian Elections by the Office of the Press Secretary of the White House, May 2, 2003.

<sup>144</sup> Foreign and Commonwealth Office, press release on the Nigerian presidential elections, April 29, 2003.

<sup>145</sup> Human Rights Watch letter to Jack Straw, May 2, 2003.

figures about violence. The message he gave was clear: Nigeria must do all it can to avoid election-related violence.” He gave the example of the British Government’s condemnation of political violence following the assassination of Marshall Harry, a prominent ANPP politician, in February 2003.<sup>146</sup> The letter describes the elections as “a vital milestone in the country’s journey to a fully functioning and sustainable democracy [...] This is why, alongside our negative criticisms of election irregularities, we focused on positive aspects such as the relative calm of proceedings.”<sup>147</sup>

The 2003 annual human rights report of the U.K. Foreign and Commonwealth Office states: “The elections in Nigeria were not perfect.” It refers to instances of fraud reported by the EU observers and bias in the media, but does not mention the use of violence. It concludes: “Despite its flaws, it was important that the EU supported the attempt by Africa’s most populous country to make the difficult transition to civilian rule, after decades of military juntas.”<sup>148</sup>

Both Western donor countries and other African governments have been reluctant to criticize Nigeria’s human rights record publicly ever since President Obasanjo first came to power in 1999. Five years on, he has continued to enjoy wide international support. Among the factors that have motivated this alliance are the increasingly prominent role Obasanjo has played in promoting regional initiatives and institutions, such as the New Partnership for Africa’s Development (NEPAD) and ECOWAS, and his leading role on issues such as African governance reform and regional peacekeeping. For governments such as the U.S and the U.K., whose international priority remains the “fight against terrorism,” Nigeria, with its large Muslim population and influential role in the region, also remains a key ally in Africa. The growing importance of Nigerian oil and the threat posed to oil production by communal violence—a problem entangled with politics during the election period—also added to the disinclination of Nigeria’s trading partners to criticize the elections.

The international response to the elections in Nigeria is also typical of a more generalized attitude at the international level towards elections in Africa. Expectations of the conduct of elections in African countries are generally low; governments are not prepared to be more demanding in terms of respect for international standards; and there is a willingness to accept a certain level of fraud as almost inevitable.

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<sup>146</sup> For details of the killing of Marshall Harry, see Human Rights Watch report “Testing democracy: political violence in Nigeria,” April 2003. Because of the political prominence of the victim, this was one of the rare cases that provoked public condemnation, including by some foreign governments.

<sup>147</sup> Letter to Human Rights Watch from Bill Rammell MP, Foreign and Commonwealth Office, May 30, 2003.

<sup>148</sup> Foreign and Commonwealth Office, Human Rights Annual Report 2003.

Nigerian activists and members of civil society have expressed their disappointment with the lack of response on the part of foreign governments to abuses during the elections. A member of an independent non-governmental organization in Abuja told Human Rights Watch: “The attitude of the U.S. government is so discouraging to NGOs. We wish they would make a harsher statement about bad elections.”<sup>149</sup> A human rights organization in Ebonyi State noted: “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.”<sup>150</sup> A politician in Port Harcourt, despite being a member of the PDP, complained: “The height of disappointment to the oppressed people of Nigeria was the fact that the U.S., U.K. and others legitimized Obasanjo’s elections.”<sup>151</sup>

## V. Conclusion

The number of incidents of violence during the 2003 elections and the climate of intimidation throughout the election and pre-election period bring into question the legitimacy of the election process and, in particularly hard-hit areas such as the south and southeastern states, the very results of the elections. The same conclusions can be drawn about the 2004 local government elections in many areas. Reports by independent election observers and human rights organizations, including Human Rights Watch, have all documented the direct link between violence and fraud, and the manner in which violence and intimidation were used as a central tool by political parties and candidates, especially the PDP, to gain or hold onto power.

A year has passed since the 2003 elections, and the scores of deaths of those who were killed for political gains may have been forgotten by all but their closest relatives. But the impunity which has so far protected the perpetrators should not be accepted by anyone concerned about democracy and human rights in Nigeria. The Nigerian government should take immediate steps to provide justice to the victims and their families. The first step is to launch thorough and independent investigations into all reports of political killings carried out during the election period, and to bring to justice those responsible. As noted in this report, election tribunals have been hearing complaints and grievances from various parties in the aftermath of the elections, but these have focused mostly on accusations of fraud, rigging and other electoral irregularities. If they are able to function

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<sup>149</sup> Human Rights Watch interview, Abuja, July 22, 2003.

<sup>150</sup> “The 2003 elections in Ebonyi State: a report by the Human Rights Centre, Ebonyi State.”

<sup>151</sup> Human Rights Watch interview, Port Harcourt, July 20, 2003.

independently, these election tribunals could provide an important channel for redress in cases of fraud and other malpractice, but are not a substitute for criminal prosecutions for acts of violence.

The Nigerian government and leaders of political parties should also put in place, in good time, effective measures to prevent incidents of violence in the next elections, scheduled for 2007. They should set up clear mechanisms for enforcing accountability, both within the structure of political parties, and in terms of judicial investigations and prosecution. Such mechanisms could include the creation of a taskforce to monitor and receive reports of political violence before and during future elections; the taskforce would report publicly on its findings which would then be used as a basis for investigations and prosecutions. State and local governments and leaders of political parties should also disarm without delay the youth groups that were created by politicians specifically to perpetrate acts of violence during the 2003 and 2004 elections.

Foreign governments, especially those which have close links with Nigeria, should address the issue of electoral violence explicitly with the Nigerian government by insisting that preventive strategies are put in place before 2007, offering to support these financially if necessary, or through training or other forms of assistance. Foreign governments should uphold the same standards for elections in Nigeria as they would in any other country. This means promptly and publicly denouncing electoral violence and intimidation whenever it takes place; training and encouraging future election observers to monitor and report on incidents of violence, and analyzing such reports in the light of political and human rights developments in the period leading up to elections; following up and monitoring progress in investigations and prosecutions in specific incidents; and continuing to press the Nigerian government to end impunity for these crimes, including in the periods between elections. Unless this is done, the perpetrators of these abuses will continue to believe that neither the Nigerian authorities nor the international community are concerned about the use of violence as a political tool, and will continue to attack and intimidate their opponents with impunity.

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