

Summary

Nigeria is mired in a crisis of governance. Eight years since the end of military rule, the country's longest-ever stretch of uninterrupted civilian government, the conduct of many public officials and government institutions is so pervasively marked by violence and corruption as to more resemble criminal activity than democratic governance.

This report documents what Human Rights Watch considers to be the most important human rights dimensions of this crisis: first, systemic violence openly fomented by politicians and other political elites that undermines the rights of Nigerians to freely choose their leaders and enjoy basic security; second, the corruption that both fuels and rewards Nigeria's violent brand of politics at the expense of the general populace; and third, the impunity enjoyed by those responsible for these abuses that both denies justice to its victims and obstructs reform.

The four-month-old administration of President Umaru Yar'Adua has the opportunity as well as the responsibility to urgently tackle the systematic corruption and violence within the political system. The challenge is immense—his own party has helped entrench Nigeria's corrupt and violent political culture and President Yar'Adua himself was helped into office within the "rules" of the system. But concrete results in this area are necessary if the overall human rights picture in Nigeria is to improve and if the rule of law is to be rehabilitated.

There are signs that the government may be willing to consider real reform of Nigeria's failed electoral institutions, and the president has made a rhetorical commitment to upholding the rule of law. Such statements are welcome and important. But so long as government officials and other powerful individuals are able to throw their effort into attempting the illegal subversion of those same institutions with impunity, no amount of legislative tinkering will preserve their integrity. It is only determined action to reform key institutions and to tackle impunity that will achieve meaningful change in governance and respect for human rights.

In 1999, Nigeria's military relinquished political power after dominating the country's post-independence experience and Nigerians hoped for a turn towards democratic governance and respect for human rights. But in the years since then, Nigeria's civilian leaders at all levels have not only proven entirely unaccountable to ordinary Nigerians, but have also routinely abused their basic human rights.

Many of Nigeria's ostensibly elected leaders obtained their positions by demonstrating an ability to use corruption and political violence to prevail in sham elections. In violent and brazenly rigged polls, government officials have denied millions of Nigerians any real voice in selecting their political leaders. In place of democratic competition, struggles for political office have often been waged violently in the streets by gangs of thugs recruited by politicians to help them seize control of power. In recent years, hundreds of Nigerians have lost their lives in the crossfire or as paid proxy fighters for the country's political leaders. At the same time, corruption and mismanagement have led to the waste of record-setting oil revenues that could have been expended to tackle poverty and improve access to basic health and education services.

Nationwide polls in 1999 and 2003 were systematically rigged and local government polls in 2004 were plagued by similar abuses. And to the dismay and shock of many Nigerians who had hoped for signs of progress, the country's widely anticipated 2007 polls proved to be another violent farce. Many seasoned observers stated that the 2007 polls were among the worst they had ever witnessed anywhere in the world. Those elections reflected deeply seated patterns of abuse that characterize the day-to-day conduct of many public officials.

Many political figures openly recruit and arm criminal gangs to unleash terror upon their opponents and ordinary members of the public. In Gombe State, for example, politicians openly recruited violent cult gangs to intimidate their opponents and rig the voting on Election Day. Encouraged by the prevailing climate of impunity, these gangs unleashed a wave of violence on local communities that included murder, rape, arson and other crimes. In Rivers State, criminal gangs hired to rig Nigeria's 2003 elections have since become a law unto themselves, spreading violence and insecurity throughout the restive Niger Delta. Scores of civilians have either been

killed or injured during clashes involving those gangs since the 2007 elections alone. No one has been held to account for sponsoring these gangs.

In some states, powerful and violent political “godfathers” have gained control over politicians who are dependent on those sponsors to provide protection and fight their street battles. In return, the godfathers have captured government institutions to serve their own interests. In Oyo State, People’s Democratic Party (PDP) godfather Lamidi Adedibu recruited gangs that sowed terror on the streets of Ibadan and other cities while fighting to preserve Adedibu’s power and influence in the state. In Anambra State, a godfather whose political power may now be on the wane has nonetheless so far gone unpunished for his role in fomenting violence and corruption.

Government institutions responsible for investigating and prosecuting crime have failed to stop this tide of violence. Public officials in Nigeria can usually expect to enjoy complete impunity for any crimes they may commit, however egregious. In Anambra State, for example, police officials told Human Rights Watch that they were helpless to act against powerful PDP gubernatorial candidate Andy Uba, even though they knew him to be mobilizing cult gangs in advance of the elections—Uba was seen as too close to then-President Olusegun Obasanjo and therefore untouchable. Former Rivers State Governor Peter Odili, among others, has not so far faced any formal investigation or sanction for his alleged role in sponsoring armed groups that have plunged Rivers into a lasting state of chaos.

Eight years after Nigeria’s return to civilian government, rampant official corruption and human rights abuse can no longer be dismissed as the lingering after-effects of military rule. It cannot be argued that the problems will inevitably be ironed out in the course of some slow transition towards more democratic governance. Violence, corruption and impunity are not just problems that government has failed to tackle; they are systemic abuses that flow from the heart of the very same government institutions that should be working to combat them.

Government at the federal level has seen some limited steps in the direction of reform, but federal officials have tolerated and often encouraged the rampant abuse seen at the state and local level. No real effort has yet been made to hold politicians

to account for their open mobilization of violence and corruption to secure political power. Until 2007, limited efforts at investigating and prosecuting corrupt politicians focused on enemies of the Obasanjo administration, undermining if not destroying the credibility of those efforts altogether.

In addition, federal institutions including the Nigerian police have themselves been at the heart of many of Nigeria's worst abuses, including the widespread rigging of the 2007 polls. While many officials and police personnel conducted themselves in an exemplary manner and even risked their own safety to protect voters' mandates during those elections, others participated in or turned a blind eye to rigging, often with the support or even at the insistence of their superiors. While Nigeria's judiciary has consistently shown independence and impartiality in its handling of politically charged cases, the governmental forces arrayed against the courts—rather than in support of them—sharply limit the judiciary's impact.

Nigeria's most serious problems of governance are all underwritten by an all pervading climate of impunity that blocks change. One obvious and important place to start would be for the federal government to enact and aggressively implement the long delayed Freedom of Information Bill, which would make it possible for Nigerians to peel back the veils of secrecy that allow many government officials to conceal the evidence of their misdeeds by denying access to even the most basic government-held information.

The Yar'Adua government should also safeguard the independence of Nigeria's Electoral Reform Panel.

Meanwhile, the government should launch a transparent and comprehensive inquiry into allegations of corruption, vote-rigging and sponsorship of political violence at all levels of government since the return to civilian rule, beginning with an examination of Nigeria's April 2007 elections. The inquiry should aim to uncover the architects and sponsors of such crimes and it should result in criminal investigations where there is evidence of wrongdoing. The right message could be sent by beginning with the most serious abuses, including those implicating senior government officials and senior members of the security forces.

Nigeria's police must make political violence an investigative priority and be given the autonomy and resources for effective and impartial investigations.

The credibility of vital anti-corruption institutions must be bolstered by new and public commitments to uphold their independence—a commitment that would be best demonstrated by allowing them to pursue some of Nigeria's most corrupt ruling party politicians.

Nigeria's international partners also have a role to play. Nigeria's foreign and regional partners should be more forthright in criticizing the very serious shortcomings of Nigeria's democracy that infringe upon the rights of its populace and insist upon meaningful reform. This would include urging the federal government of Nigeria to vigorously investigate and prosecute key politicians and their financial sponsors responsible for political violence during the recent elections, and to institute necessary reforms to end such practices. Nigerian politicians must come to recognize that political violence is not about who wins the next election, but that it has important implications for the rights and well-being of all Nigerians that extend far beyond election day.

The report is based largely on two four-week Human Rights Watch research missions to Nigeria in early 2007 before, during, and after the April 2007 elections. This included field research in Anambra, Delta, Ekiti, Gombe, Katsina, Lagos, Oyo, and Rivers States and interviews in the capital Abuja. While patterns of abuse in some of those states are among Nigeria's worst, they are not atypical in nature, and the federal government's failure to tackle their underlying causes is common to the whole of Nigeria. Human Rights Watch conducted more than one hundred interviews with federal, state, and local public officials; politicians from ruling and opposition political parties; journalists; civil society workers; religious leaders; lawyers; members of armed gangs and cult groups; political godfathers; and victims of human rights abuse. The names of many interviewees have been withheld to protect them from possible reprisal.

Recommendations

To the government of the Federal Republic of Nigeria

- Launch a transparent, comprehensive, and impartial inquiry into allegations of corruption, vote-rigging, and sponsorship of political violence during Nigeria's April 2007 elections. The inquiry should aim to uncover the architects and sponsors of such crimes, focusing especially on:
 - The role of elected officials and the leadership of federal institutions including Nigeria's police force and Independent National Electoral Commission (INEC), and
 - Allegations of improper political manipulation of the EFCC, INEC, the police and other government institutions prior to and during the 2007 election campaign.

This inquiry should be implemented by an independent body created and overseen with the input of stakeholders including civil society groups. Findings should be made public and should result in criminal investigations in which there is evidence of criminal wrongdoing. The inquiry should also result in recommendations to be taken into account by Nigeria's Electoral Reform Panel.

- Enact and aggressively implement the Freedom of Information Bill, which would provide Nigerians a tool to compel government institutions to make public important information including basic data concerning expenditures and government policy.
- Respect the independence of Nigeria's Electoral Reform Panel, ensure the transparency of its deliberations and conclusions, and publicly explain in detail the reasons for enacting each of the Panel's recommendations, or for not doing so.
- Enact a law requiring the president, all members of the National Assembly and all ministers in the federal cabinet to follow and sustain President

Yar'Adua's example by issuing and publicizing annual declarations of the total value of all personal assets. Require senior state and local government officials to do the same.

- Implement the decisions of Nigeria's electoral tribunals relating to the conduct of the 2007 polls. When those rulings indicate a pervasive level of fraud, initiate investigations with a view to possible criminal prosecution of those responsible.
- Help expedite all election-related litigation by directing INEC, the security services, and other institutions to readily provide all information required for the adjudication of those disputes.
- Publicly acknowledge and condemn political interference in the Economic and Financial Crimes Commission (EFCC)'s investigations of ruling party politicians, which has impeded the EFCC's effectiveness and credibility.
- Direct the Nigerian police to immediately investigate serious allegations of corruption, mobilization of political violence, electoral fraud and other crimes prior to the 2007 elections. These should include allegations of criminal activity, reported by Human Rights Watch and others, implicating Alhaji Lamidi Adedibu and Governor Christopher Alao-Akala in Oyo State; Chris and Andy Uba in Anambra State; Peter Odili and Abiye Sekibo in Rivers State; current and former state government officials linked to *Yan Kalare* gangs in Gombe State; and current and former state government officials linked to PDP youth militias in Katsina state.
- Propose an Amendment to the Nigerian Constitution that would rescind the immunity from all criminal prosecution currently enjoyed by sitting governors.
- Launch a transparent, comprehensive and impartial investigation into allegations of police complicity or inaction in the face of human rights abuse and fraud connected to Nigeria's 2007 elections.

To the Nigerian Police Force

- Proactively investigate and prosecute as appropriate politicians and party officials suspected of committing criminal offenses during the 2007 election campaigns. Give particular attention to offenses that impact broadly on democratic governance in Nigeria: hiring gangs to intimidate or use violence against the opposition; distributing arms and ammunition; systematically buying votes; and engaging in bribery or other unlawful practices with government institutions such as INEC or the police.
- Publicly acknowledge the obligation of law enforcement to combat political violence and corruption, and adopt and enforce a new policy to proactively pursue the sponsors of political violence.

To the Economic and Financial Crimes Commission

- Conduct comprehensive and impartial investigations and prosecute former and current elected officials credibly implicated in corruption, including the improper use of government money to subvert the 2007 electoral process. Investigate or publicly articulate the reasons for not investigating all 31 state governors described as “corrupt” by EFCC Executive Chairman Nuhu Ribadu before the Nigerian Senate in 2006.

To Nigeria’s foreign partners

- Exert influence on the federal government of Nigeria to take active steps to vigorously investigate, prosecute, and prevent political violence by politicians and their financial sponsors during the 2007 elections.
- Denounce selective investigation and prosecutions by the EFCC and other anti-corruption bodies. Take measures, including the publication of information as appropriate, to pressure the EFCC to take action against public officials implicated in corruption through the EFCC’s own investigations.

- Deny visas to any Nigerian public official credibly implicated in systematic corruption or other serious criminal offenses.
- Explore means of providing greater political and material support to improve the independence and capacity of the Nigerian judiciary.
- Explore means of increasing support to Nigerian civil society organizations working to promote transparency, accountability, and respect for human rights in the conduct of government institutions.