



A Human Rights Agenda for Candidates in Nigeria’s 2011 Elections

A Human Rights Watch Briefing Paper

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Introduction

On April 2, 9, and 16, 2011, Nigerians will head to the polls for the nation's legislative, presidential, and gubernatorial elections.¹ Those elected will be mandated to govern a country with profound human rights challenges: communal violence, abuses by government security forces, endemic corruption, violence in the Niger Delta, pervasive election-related abuses, and a culture of impunity for all manner of human rights violations. This briefing paper outlines the key issues that candidates should address as they campaign for office—and implement if they are elected.

Episodes of inter-communal violence have claimed thousands of lives since Nigeria's return to civilian rule in 1999. Clashes in and around the city of Jos, the capital of Plateau State in north-central Nigeria, have left hundreds dead in the past year alone. Government authorities have failed to hold the perpetrators accountable or address discriminatory government policies that exacerbate existing inter-communal tensions.

The Nigeria Police Force, and to a lesser extent the Nigerian military, continue to be implicated in serious human rights violations. The police have largely failed to fulfill their mandate of providing public security and have instead been widely implicated in corruption and abuses, including arbitrary arrests, torture and extrajudicial killings. Soldiers have also carried out extrajudicial killings while responding to inter-communal violence or armed militancy. Nearly all of these crimes have been committed with impunity.

Much of the nation's tremendous oil wealth, which could have been spent on basic health and education services, has been embezzled and mismanaged by the governing elite, leaving poverty, malnutrition, and mortality rates among the highest in the world.² Corruption has also severely undermined the rule of law. The police routinely extort money from victims of crimes before they conduct an investigation, while criminal suspects with money can simply bribe the police to drop the case.

¹ Nigeria's April 2011 elections will be held in three rounds: Nigerians will go to the polls on April 2 to elect National Assembly members, on April 9 to choose a president, and on April 16 to elect state governors and state assembly representatives.

² Nigeria is Africa's largest oil producer yet 64 percent of Nigerians live on less than US\$1.25 a day. Nigeria has the world's second-highest number of maternal deaths each year after India. Nearly one in five Nigerian children dies before the age of five, many from easily preventable diseases. In 2010, Nigeria ranked 142nd out of 169 countries on the United Nations Development Programme's Human Development Index. See United Nations Development Programme, "Human Development Report 2010," November 2010, <http://hdr.undp.org/en/reports/global/hdr2010/chapters/en/> (accessed March 22, 2011). See also, World Health Organization, "Maternal Mortality in 2005," 2007, http://www.who.int/making_pregnancy_safer/documents/9789241596213/en/index.html (accessed March 22, 2011).

Widespread corruption, poor governance, and poverty have created an environment where militant groups thrive. In the far north, members of a militant Islamist group, popularly known as Boko Haram, since 2009 have targeted and killed police officers, politicians, and opposing clerics. In the oil-rich Niger Delta, kidnappings, bombings, and attacks on oil facilities are again on the rise a year and a half after a government amnesty for armed militants.

For the human rights situation in Nigeria to improve, its government must be accountable to its citizens. But past elections have been marred by violence, intimidation, wholesale vote rigging, and the corruption of election officials, often in connivance with the police. Those who have orchestrated or committed electoral offenses have not been brought to justice. Indeed, past and current administrations have failed to address the corruption, political violence, and culture of impunity that underlie many of these serious human rights problems.

Human Rights Watch calls on all candidates seeking public office in the April 2011 elections to acknowledge the scale of the human rights challenges and crisis of governance facing the country. They should address these serious problems as central to their campaigns. They should publicly explain, in debates, rallies, and campaign platforms, their plans for addressing the human rights issues set out below, and implement these proposed reforms if they are elected.

A Human Rights Agenda for Nigeria

Inter-Communal Violence

More than 14,800 people have been killed in inter-communal, political, and sectarian violence in the past 12 years.³ The human cost of this violence has been particularly high in Plateau State, where Human Rights Watch estimates more than 3,800 people have been killed since 2001, at least 250 of these since December 2010.⁴ The victims, both Muslim and Christian, have been hacked to death, burned alive, or dragged off buses and murdered in tit-for-tat killings, in many cases based simply on their ethnic or religious identity.⁵ Inter-communal clashes in the states of Adamawa, Akwa Ibom, Bauchi, Benue, Cross River, Gombe, Nassarawa, Niger, Ogun, Rivers, and Taraba have also left at least 180 dead in the past year and hundreds more displaced.⁶

Nigeria's leaders have failed to adopt and articulate strategies to prevent inter-communal violence from recurring. In fact, state and local government policies that discriminate against millions of Nigerians solely on the basis of their ethnic heritage, so-called "non-indigene"

³ Figures based on Human Rights Watch reports and press accounts between 1999 and 2011.

⁴ In September 2001, at least 1,000 people were killed in inter-communal clashes in Jos. See Human Rights Watch, *Nigeria - Jos: A City Torn Apart*, vol. 13, no. 9(A), December 2001, <http://www.hrw.org/en/reports/2001/12/15/jos>. In the town of Yelwa, in southern Plateau State, more than 75 Christians and at least 700 Muslims were killed in sectarian violence in 2004. See Human Rights Watch, *Nigeria - Revenge in the Name of Religion: The Cycle of Violence in Plateau State and Kano States*, vol. 17, no. 8(A), May 2005, <http://www.hrw.org/en/reports/2005/05/24/revenge-name-religion-o>. On November 28-29, 2008, following local government elections, two days of inter-communal clashes, and excessive use of force by government security forces responding to the violence, left at least 700 dead in Jos. See Human Rights Watch, *Arbitrary Killings by Security Forces: Submission to the Investigative Bodies on the November 28-29, 2008 Violence in Jos, Plateau State, Nigeria*, July 2009, <http://www.hrw.org/en/reports/2009/07/20/arbitrary-killings-security-forces-o>. In January 2010, several hundred people were killed in sectarian clashes in and around Jos, including a massacre on January 19 of more than 150 Muslims in the nearby town of Kuru Karama. See "Nigeria: Protect Survivors, Fully Investigate Massacre Reports," Human Rights Watch news release, January 23, 2010, <http://www.hrw.org/en/news/2010/01/22/nigeria-protect-survivors-fully-investigate-massacre-reports>. On March 7, 2010, some 200 Christians were massacred in Dogo Nahawa and several nearby villages on the outskirts of Jos. See "Nigeria: Investigate Massacre, Set up Patrols," Human Rights Watch news release, March, 8, 2010, <http://www.hrw.org/en/news/2010/03/08/nigeria-investigate-massacre-step-patrols>. Over the next nine months, more than 120 people died in smaller-scale attacks and reprisal killings leading up to the Christmas Eve 2010 bombings in two Christian neighborhoods in Jos and renewed sectarian clashes.

⁵ See "Nigeria: New Wave of Violence Leaves 200 Dead," Human Rights Watch news release, January 27, 2011, <http://www.hrw.org/en/news/2011/01/27/nigeria-new-wave-violence-leaves-200-dead>. Since January, the targeted killings have continued in Jos and surrounding communities. See, for example, "Village attacks kill six in central Nigeria," Reuters, March 14, 2011, <http://af.reuters.com/article/topNews/idAFJ0E72DoGF20110314> (accessed March 18, 2011); Isaac Shobayo, "Gunmen kill 5 family members in Jos," *Nigerian Tribune* (Ibadan), March 1, 2011, <http://tribune.com.ng/index.php/news/18204-gunmen-kill-5-family-members-in-jos> (accessed March 18, 2011).

⁶ Human Rights Watch surveyed a range of Nigerian newspapers including the *Daily Trust* (Abuja), *The Guardian* (Lagos), *Leadership* (Abuja), *The Nation* (Lagos), *Next* (Lagos), *Nigerian Tribune* (Ibadan), *The Punch* (Lagos), *ThisDay* (Lagos), and *Vanguard* (Lagos) between April 1, 2010, and January 31, 2011.

ethnic groups, greatly exacerbate existing tensions by relegating thousands of state residents to permanent second-class status.⁷

The federal government has increased security in some of these communities, but government authorities have failed to break the cycle of killings by prosecuting those responsible for these crimes. In all but a handful of cases, the perpetrators of these crimes have not been brought to justice.

Over the years, the federal and state governments have set up various committees and commissions of inquiry that have examined these issues, but their reports, and the occasional government white paper, have mostly been shelved. Despite repeated outbreaks of violence, government authorities have largely ignored their findings and failed to implement their recommendations.

Human Rights Watch calls upon candidates to:

- Describe the security measures they would take to protect vulnerable communities at risk of further attacks or reprisal killings.
- Propose specific steps to end the cycle of violence in Plateau State and elsewhere, and commit to ensuring that those found to have orchestrated or committed these crimes are thoroughly investigated and prosecuted in full compliance with domestic and international law.
- Pledge to sponsor legislation that would expressly bar state and local governments from discriminating against “non-indigenes” with respect to any matter not directly related to traditional leadership institutions or other purely cultural matters, and help ensure that those laws are enforced.
- Commit to accepting a visit by the United Nations secretary-general’s special adviser on the prevention of genocide, Francis Deng, to visit Jos to help community, state, and national leaders devise measures to reduce the risk of violence.⁸

⁷ State and local government policies in Plateau State and many other states favor “indigenes”—members of ethnic groups deemed to be an area’s original settlers—and discriminate against members of ethnic groups referred to as “non-indigenes” or “settlers.” Non-indigenes are denied many important avenues of socio-economic mobility. They are openly denied the right to compete for state and local government jobs and are subject to discriminatory admissions policies at state-run universities. Furthermore, a Nigerian who cannot produce a “certificate of indigeneity” from a local government somewhere in Nigeria is effectively rendered “stateless” and cannot apply for most federal government jobs or admission to federal universities. See Human Rights Watch, “*They Do Not Own This Place*”: Government Discrimination Against “Non-Indigenes” in Nigeria, vol.18, no. 3(A), April 2006, <http://hrw.org/reports/2006/nigeria0406/>.

⁸ In September 2010, Deng formally requested approval from the Nigerian government to visit Jos in October 2010. The Nigerian government has not formally replied or authorized the mission. See “Nigeria: New Wave of Violence Leaves 200 Dead,” Human Rights Watch news release.

Conduct of the Security Forces

The Nigeria Police Force has been widely implicated in serious abuses, including arbitrary arrest and detention, extrajudicial killings, and torture and other ill-treatment.⁹ The Nigerian Army has also been implicated in extrajudicial killings during military operations to quell armed militancy or inter-communal violence.

Many of the police abuses are committed as a means to extort money from ordinary citizens. Police routinely solicit bribes from victims of crimes to initiate investigations or from suspects to drop investigations.¹⁰ High-level police officials have often embezzled and mismanaged vast sums of money meant for basic police operations, leaving police officers on the ground with few resources for public security.¹¹ Senior officers also enforce a perverse system of “returns,” in which rank-and-file officers pay a share of the money extorted from the public up the chain of command.¹²

Government officials with oversight of the police force have consistently failed to address these issues, effectively reform the police force, and hold officers accountable for these and other serious abuses. None of the police officers responsible for the brazen execution of the Boko Haram leader, Mohammed Yusuf, and dozens of his suspected followers in Maiduguri in July 2009 has been prosecuted,¹³ despite pledges by the government to do so.¹⁴

⁹ See Human Rights Watch, *“Rest in Pieces”: Police Torture and Deaths in Custody in Nigeria*, vol. 17, no. 11(A), July 2005, <http://www.hrw.org/node/11631>, pp. 37-38; Amnesty International, “Killing at Will: Extrajudicial Executions and other Unlawful Killings by the Police in Nigeria,” AFR 44/038/2009, December 2009, <http://www.amnesty.org/en/library/info/AFR44/038/2009> (accessed March 18, 2011); Network on Police Reform in Nigeria and Open Society Justice Initiative, “Criminal Force: Torture, Abuse, and Extrajudicial Killings by the Nigeria Police Force,” May 2010, http://www.soros.org/initiatives/justice/focus/criminal_justice/artides_publications/publications/nigeria-police-abuse-report-20100519 (accessed March 18, 2011).

¹⁰ See Human Rights Watch, *“Everyone’s in on the Game”: Corruption and Human Rights Abuses by the Nigeria Police Force*, August 2010, <http://www.hrw.org/en/reports/2010/08/17/everyone-s-game-o>.

¹¹ In the most notorious case, in 2005, the then-inspector general of police, Tafa Balogun, resigned and was charged with embezzlement, taking bribes, and laundering more than US\$98 million. In a plea bargain agreement later that year, he pleaded guilty to failing to declare his assets. The court sentenced him to six months in prison and ordered his assets seized. See “Nigerian ex-police chief charged,” *BBC News*, April 4, 2005, <http://news.bbc.co.uk/2/hi/africa/4409291.stm> (accessed March 18, 2011); Bashir Adigun, “Former Nigerian police chief sentenced to six months in jail for graft,” Associated Press, November 22, 2005.

¹² The presidential police reform committee, established by the late-President Umaru Yar’Adua in 2008, found, for example, that, “The taking of bribes and their passage up in the rank structure has almost become institutionalized” in the Nigeria Police Force. Presidential Committee on the Reform of the Nigeria Police Force, 2008, “Main Report,” April 2008, p. 196. Despite the pervasive nature of this problem, the police leadership has failed to hold accountable senior police officers who demand or accept returns from their subordinates. See Human Rights Watch, *“Everyone’s in on the Game.”*

¹³ A week of clashes in July 2009 between security forces and a militant Islamist group known as Boko Haram left more than 800 people dead in four states in northern Nigeria. According to government authorities, most of the dead were suspected Boko Haram members. Witnesses told Human Rights Watch that Boko Haram members in Maiduguri, the capital of Borno State, targeted and killed police officers as well as Christian men who refused to convert to Islam. Witnesses also described how police officers and army soldiers executed suspected Boko Haram members. On July 30, the Nigerian Army arrested Mohammed Yusuf and transferred him to the police headquarters in Maiduguri. According to witnesses interviewed by Human

Similarly, government authorities have still not investigated, let alone prosecuted, members of the police and military responsible for the unlawful killing of more than 130 people in November 2008, while responding to sectarian clashes in Jos.¹⁵ Nor have they held accountable the soldiers who carried out the October 2001 massacre of more than 200 people in Benue State,¹⁶ or the complete destruction of the town of Odi in Bayelsa State in November 1999.¹⁷ The prevailing climate of impunity in Nigeria remains the biggest single obstacle to ending such abuses.

Human Rights Watch calls upon candidates to:

- Publicly propose measures to address systemic police corruption, including bribery and extortion, embezzlement, and the system of “returns” that fuels abusive conduct by members of the police force and undermines the rule of law.
- Explain specifically how, if elected, they will make members of the police force accountable for any serious abuses, whether by revamping internal controls, strengthening oversight mechanisms, or better insulating the police from political interference.
- Commit to ensuring that members of government security forces responsible for the extrajudicial killings in Maiduguri in 2009, Jos in 2008, and Benue State in 2001, and for the razing of the town of Odi in Bayelsa State in 1999 are thoroughly investigated and prosecuted in full compliance with domestic and international law.

Rights Watch, after Yusuf was handed over to the police, members of the Police Mobile Force executed Yusuf in the courtyard of the police headquarters and left his bullet-ridden body for public display. The following day, July 31, Buji Foi, a former state government official suspected of funding Boko Haram, and Muhammed Yusuf's 72-year-old father-in-law, Baba Fugu Mohammed, were also executed by the police in front of the police headquarters. Human Rights Watch telephone interviews with witnesses (names withheld), Maiduguri, July 2009, and interviews with witnesses (names withheld), Maiduguri, June 2010. See also, “Video shows Nigeria ‘executions,’” *Al Jazeera*, video report, February 9, 2010, <http://english.aljazeera.net/news/africa/2010/02/2010298114949112.html> (last accessed March 18, 2011).

¹⁴ On August 13, 2009, the then-attorney general and minister of justice, Michael Aondoakaa, issued a statement to the United Nations High Commissioner for Human Rights in Geneva insisting that the Nigerian “government does not condone extra-judicial killing or torture and condemns in its entirety, the unfortunate circumstances that led to the death of Mohammed Yusuf in Police custody.” Aondoakaa went on to assure the High Commissioner that “as soon as the investigative process is completed, those found wanting will be sanctioned accordingly.” Statement By Leader of Nigeria’s Delegation, Chief Michael Kaase Aondoakaa, SAN, Honourable Attorney General of the Federation and Minister of Justice on The Occasion of the Visit of Nigeria’s Delegation to the High Commissioner for Human Rights, United Nations Human Rights Council, Geneva, Switzerland, August 13, 2009. Yet, since then, not a single police officer has been prosecuted for any of these crimes. Human Rights Watch interviews with senior police officials, Abuja, December 2010.

¹⁵ See Human Rights Watch, *Arbitrary Killings by Security Forces*.

¹⁶ On October 22-24, 2001, several hundred soldiers of the Nigerian army killed more than 200 unarmed residents and destroyed homes, shops, public buildings and other property in more than seven towns and villages in Benue State in apparent retaliation for the killing of 19 soldiers in the area two weeks earlier. See Human Rights Watch, *Military Revenge in Benue: A Population Under Attack*, vol. 14, no. 2(A), April 2002, <http://hrw.org/reports/2002/nigeria/>.

¹⁷ In November 1999 the Nigerian army razed the town of Odi in apparent retaliation for the killing of seven police officers by an armed gang in the town. See Human Rights Watch, *The Destruction of Odi and Rape in Choba*, December 1999, <http://www.hrw.org/en/reports/1999/12/22/destruction-odi-and-rape-choba>.

Government Corruption

Despite some advances made in the federal government's widely heralded "war on corruption," graft and corruption remain endemic at all levels of government. The governing elite continues to squander and siphon off the nation's tremendous oil wealth, while neglecting basic health and education services for the vast majority of ordinary citizens.¹⁸ Since independence in 1960, several hundred billion dollars of public funds has been lost to corruption and mismanagement.¹⁹

Corruption underlies chronic police abuses and fuels political violence.²⁰ Many corrupt politicians have used the proceeds of corruption to mobilize violence in support of their political ambitions.²¹ All the while, government budgets, expenditure reports, and financial audits, particularly state and local government records, remain largely shrouded in secrecy.

The Economic and Financial Crimes Commission (EFCC), established in 2002, has been at the center of Nigeria's anti-corruption efforts. Although the EFCC has achieved some notable successes, including the conviction of two former governors, a former inspector general of police, and a former head of the Nigerian Ports Authority, the convicted officials served little or no prison time,²² and many of the key corruption cases, including the cases against 13 former state governors, remain stalled in the courts.²³

¹⁸ See, for example, Human Rights Watch, *"Chop Fine": The Human Rights Impact of Local Government Corruption in Rivers State, Nigeria*, vol. 19, no. 2(A), January 2007, <http://hrw.org/reports/2007/nigeria0107/>.

¹⁹ The former executive chairman of the Economic and Financial Crimes Commission (EFCC), Nuhu Ribadu, has assessed the amount lost to corruption and mismanagement as US\$380 billion between independence in 1960 and the end of military rule in 1999. See "Nigeria leaders 'stole' \$380bn," *BBC News*, October 20, 2006, <http://news.bbc.co.uk/2/hi/africa/6069230.stm> (accessed March 23, 2011). Endemic corruption has continued since then, and although precise figures are impossible to determine, some diplomats have estimated that Nigeria lost a minimum average of US\$4 billion to \$8 billion per year to corruption from 1999 to 2007. Human Rights Watch interviews with diplomats, Abuja, April 2007; and telephone interview with diplomat (name withheld), June 18, 2007.

²⁰ See Human Rights Watch, *"Everyone's in on the Game."*

²¹ See Human Rights Watch, *Criminal Politics: Violence, "Godfathers" and Corruption in Nigeria*, vol. 19, no. 16(A), October 2007, <http://www.hrw.org/node/10661>.

²² In November 2005, former inspector general of police Tafa Balogun was convicted in a plea bargain agreement with the EFCC and sentenced to six months in prison. See Bashir Adigun, "Former Nigerian police chief sentenced to six months in jail for graft," Associated Press, November 22, 2005. Former Bayelsa State governor Diepreye Alamieyeseigha was convicted in a plea bargain agreement in July 2007 and sentenced to two years in prison. See "Nigeria ex-governor gets 2 years' jail for graft," Reuters, July 26, 2007. In December 2008, former Edo State governor Lucky Igbinedion was convicted in a plea bargain agreement with the EFCC and fined the equivalent of US\$25,000, with no prison time. See "Nigeria graft fine 'no deterrent,'" *BBC News*, December 19, 2008, <http://news.bbc.co.uk/2/hi/africa/7792067.stm> (accessed March 21, 2011). Olabode George, a former national chairman of the ruling People's Democratic Party (PDP) and chairman of the Nigerian Ports Authority, was convicted in October 2009 and sentenced to two and a half years in prison. See "Nigeria jails top political aide," *BBC News*, October 27, 2009, <http://news.bbc.co.uk/go/pr/fr/-/2/hi/africa/8327510.stm> (accessed March 21, 2011).

²³ Since 2004, the EFCC has arraigned 15 former state governors on corruption charges. Two of the governors entered plea bargain agreements while the other 13 cases remain before the courts.

In December 2007, Nuhu Ribadu, the then-head of the EFCC, took the bold step of indicting powerful former Delta State governor, James Ibori, but two weeks later, the inspector general of police ordered Ribadu to step down from his post.²⁴ The EFCC has failed to prosecute other high-level politicians implicated in the massive looting of the state treasury, including former Rivers State governor Peter Odili.²⁵

Human Rights Watch calls upon candidates to:

- Publicly declare all personal assets upon taking office, and propose specific measures to ensure that the constitutional provision that allows Nigerian citizens the right to inspect the asset declarations of public officials is upheld.²⁶
- Explain how they would improve the government's anti-corruption efforts, and present specific steps to strengthen the capacity and reduce political interference in the work of the Economic and Financial Crimes Commission and other federal anti-corruption institutions.
- Propose measures to improve transparency at all levels of government, including financial oversight of state and local governments in their use of public funds.
- Urge the Senate and House of Representatives to pass a harmonized version of the Freedom of Information Bill, and pledge to help ensure that the law is enforced.

²⁴ See "Nigeria: Firing of Anti-Corruption Chief Would Boost Abusive Politicians," Human Rights Watch news release, January 1, 2008, <http://www.hrw.org/en/news/2008/01/02/nigeria-firing-anti-corruption-chief-would-boost-abusive-politicians>.

²⁵ Former Rivers State governor Peter Odili, who left office in May 2007, presided over a budget of several billion dollars during his eight years as governor. Much of it is believed to have been lost to theft and mismanagement. See Human Rights Watch, "*Chop Fine*." In March 2008, the EFCC said it had completed its investigation into Odili's "wanton looting of the treasury of Rivers State" and was ready to arraign him on corruption charges. But Odili had managed to secure a "perpetual injunction"—widely condemned as a mockery of the judicial process—that permanently restrained the EFCC from "arresting, detaining and arraigning Odili on the basis of his tenure as governor." See Chris Ochayi, "EFCC vows to arrest Odili," *Vanguard* (Lagos), March 6, 2008; Austin Ekeinde, "Ex-governor of Nigerian oil state escapes arrest," Reuters, March 5, 2008, <http://www.reuters.com/article/africaCrisis/idUSL05779014> (accessed March 25, 2011). EFCC officials say they later appealed the court's decision. Three years later, however, there has been no progress on the case. Human Rights Watch interviews with EFCC officials, Abuja, February 2011.

²⁶ The Code of Conduct for Public Officers in the Nigerian Constitution requires all public officials to file asset declarations upon taking office, every four years thereafter, and at the end of their term in office. See Constitution of the Federal Republic of Nigeria, 1999, schedule 5, part I, sec. 11(i). The Code of Conduct Bureau (CCB) is responsible for verifying these asset declaration forms and referring cases to the Code of Conduct Tribunal, which is empowered to take disciplinary action against those found to be in breach of the code. The constitution further provides that the asset declarations of public officials should be "available for inspection by any citizen of Nigeria on such terms and conditions as the National Assembly may prescribe." Constitution of Nigeria, 1999, schedule 3, part I, sec. 3(c). However, the National Assembly has failed to pass legislation defining these terms and conditions and, in the absence of this legislation, the CCB has refused to make public the asset declarations of any public official. Human Rights Watch interview with Sam Saba, CCB chairman, Abuja, July 14, 2010.

Niger Delta

The federal government's 2009 amnesty—in which at least several thousand people, including top militant commanders, surrendered weapons in exchange for government stipends—brought some respite from the kidnappings and attacks on oil facilities that have long plagued the Niger Delta. But the government has failed to address the underlying causes of violence and poverty in the Niger Delta, including endemic state and local government corruption and the arming of criminal gangs by ruling-party politicians. Indeed, kidnappings in the region are again on the rise and Niger Delta militants have claimed responsibility for a series of attacks, including the Independence Day car bombings in 2010 that left at least 12 dead in the national capital, Abuja.²⁷

State governments in the Niger Delta are far wealthier than any other states in Nigeria. In 2008, the four leading oil-producing states in the Niger Delta received 33 percent of the federal allocations to state governments, while the remaining 32 states in Nigeria—which account for 88 percent of Nigeria's population—shared 66 percent of revenue allocations.²⁸ Yet there is shockingly little in these Niger Delta states to show for all this wealth, and abject poverty and human development indicators, including infant mortality, remain among the worst in the world.²⁹

Ruling-party politicians in the Niger Delta, since at least 2003, have also used the proceeds from corruption linked to oil revenue to arm gangs and violently rig elections.³⁰ Many of the armed groups that are active today gained their experience and power as hired guns for these politicians. Yet federal government authorities have remained unwilling to investigate and bring to justice the politicians responsible for violence in the region.

²⁷ See Camillus Eboh, "Nigeria bomb toll rises, government admits it was warned," Reuters, October 2, 2011, <http://af.reuters.com/article/topNews/idAFJOE69104P20101002> (accessed March 21, 2011)

²⁸ In 2008, Nigeria's federal government allocated approximately US\$5.4 billion to Rivers State, Akwa Ibom State, Bayelsa State, and Delta State, with a combined population of approximately 15 million (2006 census data), while the remaining 32 states, with a combined population of some 124 million, received approximately \$10.8 billion. See the Ministry of Finance monthly allocations, published online at http://www.fmf.gov.ng/FMF_Revenue_Alloc.aspx (accessed March 22, 2011).

²⁹ A 2006 United Nations Development Programme report described the Niger Delta's human development situation as "appalling" and stated that the region was unlikely to meet any of the targets for the Millennium Development Goals, other than school enrollment, by 2015 "or anytime soon after." United Nations Development Programme, "Niger Delta Human Development Report," 2006, p. 2. Infant mortality in rural areas of the South-South geopolitical zone that encompasses the Niger Delta is higher than in any other part of Nigeria. See World Bank, "Health, Nutrition and Population Country Status Report," November 2005, p. 7.

³⁰ See Human Rights Watch, *Politics as War: The Human Rights Impact and Causes of Post-Election Violence in Rivers State, Nigeria*, vol. 20, no. 3(A), March 2008, <http://www.hrw.org/en/reports/2008/03/26/politics-war-o>; Human Rights Watch, *Criminal Politics*; Human Rights Watch, *Nigeria's 2003 Elections: The Unacknowledged Violence*, June 2004, <http://www.hrw.org/en/reports/2004/06/01/nigeria-s-2003-elections-o>.

Human Rights Watch calls upon candidates to:

- Propose measures for improving transparency and financial oversight of the use of public funds by state and local governments in the Niger Delta.
- Publicly affirm their commitment to ensuring that any politician implicated in the theft of public funds in the Niger Delta is thoroughly investigated and prosecuted in full compliance with domestic and international law.
- Commit to establishing an independent inquiry to determine any links between government officials and criminal activities in the Niger Delta such as oil “bunkering” (theft) and the sponsorship of criminal gangs, and commit to ensuring that anyone found implicated in arming and sponsoring criminal gangs will be thoroughly investigated and prosecuted in full compliance with domestic and international law.

Free and Fair Elections

Nigeria has a history of violent and deeply flawed elections. At least 300 people were killed in violence linked to the last general elections in 2007, more than three times the number killed in 2003 election violence.³¹ Observers from the European Union described the 2007 elections as among the worst they had witnessed anywhere in the world.³² Corrupt politicians, in many cases backed by mafia-like “godfathers,” openly mobilized gangs of thugs to terrorize ordinary citizens and political opponents and to stuff or steal ballot boxes. The police were often present during such incidents but frequently turned a blind eye or, at times, participated in abuses, yet no one has been held accountable for these crimes.

Indeed, the Electoral Reform Committee, established by the late president Umaru Yar'Adua following the 2007 elections, found in 2008 that not a single Nigerian had been convicted and punished for “electoral offenses” since the country’s independence in 1960.³³ The head of the Independent National Electoral Commission, Attahiru Jega, has pledged to investigate and prosecute those implicated in electoral offenses since he took office.³⁴ The electoral commission, since October 2010, has initiated criminal proceedings against several dozen

³¹ See Human Rights Watch, *Criminal Politics*, Human Rights Watch, *Nigeria’s 2003 Elections*.

³² See “Nigeria’s elections: Big men, big fraud and big trouble,” *The Economist*, April 26, 2007, http://www.economist.com/node/9070922?story_id=9070922 (accessed March 22, 2011); “What Nigerian election observers say,” *BBC News*, April 23, 2007, <http://news.bbc.co.uk/2/hi/africa/6582979.stm> (accessed March 22, 2011).

³³ Report of the Electoral Reform Committee, “Volume 1, Main Report,” December 2008, p. 23. “Electoral offenses” are defined in the Electoral Act to include offenses such as incitement, the use or threat of violence, bribery of voters or election officials, theft of ballot materials, and falsification of election results.

³⁴ Human Rights Watch interview with Attahiru Jega, chairman of the Independent National Electoral Commission (INEC), Abuja, December 22, 2010.

persons, and a handful have been fined and convicted for voter registration offenses, but these cases have barely scratched the surface.³⁵ Since November 2010, more than 70 people have been killed in violence linked to political party primaries and election campaigns.³⁶

Human Rights Watch calls upon candidates to:

- Commit to ensuring that the conduct of their own election campaign is free from violence, intimidation, and other abuses.
- Explain how they would better insulate the Independent National Electoral Commission and Nigeria Police Force from political interference during elections.
- Propose measures to address accountability for electoral and election-related offenses, and commit to ensuring that those found to have orchestrated or committed election-related violence are thoroughly investigated and prosecuted in full compliance with domestic and international law.

³⁵ Human Rights Watch telephone interviews with INEC legal officers, March 2011.

³⁶ Human Rights Watch surveyed a range of Nigerian newspapers including the *Daily Trust* (Abuja), *The Guardian* (Lagos), *Leadership* (Abuja), *The Nation* (Lagos), *Next* (Lagos), *Nigerian Tribune* (Ibadan), *The Punch* (Lagos), *ThisDay* (Lagos), and *Vanguard* (Lagos) between November 1, 2010, and March 25, 2011.

Conclusion

The nationwide polls scheduled for April will be of landmark importance. If these elections are afflicted with the same problems that undermined the legitimacy of past elections—violence, intimidation, the stuffing and theft of ballot boxes, and the corruption of election officials—they risk further entrenching the corruption, violence, and impunity that have undermined the fundamental human rights of ordinary Nigerians. But if these elections mark a significant improvement over the bloody and fraudulent experience of past elections, they will give momentum to fledgling efforts to reform Nigeria’s battered system of governance, raise the national and international profile of Nigeria’s policymakers, and improve the lives of the country’s citizens.