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Electoral poster of candidate F. Williams, killed in July 2006 . Photo © AI

Nigeria:

Impunity for political violence in the run-up to the April 2007 elections

1 Introduction

This month elections will take place in Nigeria which, for the first time since independence, will see a civilian government hand over to another civilian government. Nigerian voters will have the opportunity to vote in presidential, national assembly, state assembly and state governorship elections.

There is national, regional and international pressure on Nigeria to hold credible and violence free elections. As the most populous nation of Africa and an important economic and political partner, the elections of Nigeria are also of importance to their neighbouring countries and the whole African continent. However, the political environment in the run-up to the elections is very tense. During the primary elections, which were held in November and December 2006, violence occurred both between supporters of prospective candidates within the same party and between supporters of different parties. The Independent National Electoral Commission (INEC) decided to disqualify several candidates who allegedly appeared on the list of 'corrupt officials' published by the Economic and Financial Crimes Commission (EFCC).¹ Many candidates are contesting their disqualification before court.

The elections will be monitored by both international and national observers. However, on 12 April, two days before the state assembly and state governorship elections, the Transition Monitoring Group (TMG) - a national coalition of civil society organizations consisting of 10,000 observers - had not yet received an official invitation from INEC to monitor the elections. In March 2007 the State Security Service (SSS), Nigeria's intelligence agency, ransacked the offices of the TMG for '*non existent evidence of opposition finance*'.²

A public opinion survey on the preparations of the 2007 elections shows that the Nigerians are concerned about the forthcoming the elections. More than half of the respondents are afraid of becoming a victim of intimidation or violence related to the elections and almost a third of the respondents think the police is not well prepared to guarantee the safety and security during the elections.³

¹ In February 2007 the EFCC released a list of 135 corrupt politicians. In reaction, the federal government set up an 'Administrative Panel of Inquiry on Alleged Corrupt Practices of Some Public Officers and Other Persons' to 'extend the ongoing battle against corruption to all facets of national life, including the electoral process'. This panel also released a list with politicians who are considered unfit for elective positions.

² As reported by the TMG group

³ CLEEN Foundation and Alliance for Credible Elections, *Summary report of the National Public Opinion Survey on Preparations for 2007 Elections in Nigeria*, January 2007. The poll was conducted in all 36 states of Nigeria and the total sample size was 11,156 comprising, 50,5 percent male and 49,5 percent female.

The Coalition for Violence Free Elections (the Coalition)⁴ is concerned about the increase in political violence and other human rights abuses related to the elections. Political violence and human rights abuses in the run-up to the elections are taking place in the context of endemic impunity. The authorities at all levels – from government to law enforcement agencies – are failing to take adequate steps to prevent human rights abuses and, when such abuses do occur, to bring the perpetrators to justice.

Reports indicate that in a significant number of cases the pre-election period has been marked by intimidation and harassment of candidates, violence against supporters, and several political candidates were assassinated, reportedly by political opponents. Such patterns of political violence have been seen before. Elections held in 1999 and 2003 were marred by widespread political violence, including political killings. There were allegations that individual political candidates as well as some local and state political parties hired armed gangs to instigate political violence. In many cases law enforcement authorities failed to take adequate steps to protect human rights and perpetrators were not brought to justice.

The months leading up to the April 2007 elections show a similar pattern: politically motivated acts of violence, harassment and intimidation of political opponents have been reported throughout the country, and appear to be particularly prevalent in the Niger Delta region.⁵ As during the 1999 and 2003 elections, many local and state politicians have instigated



Poster from ACE, a coalition of local NGOs.
Photo © AI

⁴ The Coalition for Violence Free Elections consists of Nigerian civil society organizations and Amnesty International. The Coalition is campaigning to end political violence and human rights abuses related to the 2007 elections in Nigeria.

⁵ The Niger Delta area covers nine states: Rivers, Bayelsa, Delta, Edo, Cross Rivers, Akwa-Ibom, Ondo, Imo and Abia States. The oil that is explored in this region constitutes a major source of government revenue and foreign exchange. However, the region is home to some of the nation's poorest people. Niger Delta communities see little of Nigeria's oil revenues. Vast stretches of the region have erratic electricity supplies, poor water quality, and few functioning schools, health care centres, post offices or police stations. The only visible government presence in many parts is a heavily-armed security apparatus. The massive profits from oil thefts have allowed an inflow of weapons into the Niger Delta – from abroad and other parts of Nigeria – that has gone virtually unchecked. Communities are becoming increasingly militarized as young men are hired and armed to guard illegal bunkering operations. Militants, who have organized themselves under several groups, attack production facilities and kidnap expatriate workers for exchange of a ransom. Politicians reportedly seek the support of these militants to attack their opponents.

and encouraged political violence. The Coalition has received several reports of politically motivated killings or attempted killings. In most cases of political violence, perpetrators have not been brought to justice. The government and law enforcement authorities are not taking effective steps to prevent political violence or to investigate and to bring to justice those responsible when it occurs. As the abuses and violence highlighted in this briefing paper show, this failure has led to a climate of impunity which is contributing to an increasing cycle of violence in Nigeria.

2 International human rights standards

Nigeria has international legal obligations to respect and ensure human rights for everyone within its jurisdiction, without discrimination on the basis of gender, ethnicity, social origin, political opinion or other prohibited grounds. These human rights include the right to life and the right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment. They also include other human rights crucial to the election process, such as the right to freedom of expression, including freedom to seek, receive and impart information and ideas, and the rights of peaceful assembly and freedom of association. Nigeria has explicitly accepted obligations in regard to these rights in the international and regional human rights treaties which it has ratified, including the International Covenant on Civil and Political Rights (ICCPR)⁶ and the African Charter on Human and Peoples' Rights⁷. These rights are also recognized in Nigeria's Constitution. Article 33 of the 1999 constitution states:

Every person has a right to life, and no one shall be deprived intentionally of his life, save in execution of the sentence of a court in respect of a criminal offence of which he has been found guilty in Nigeria.

Every individual is entitled to respect for the dignity of his person under article 34 of the constitution and:

No person shall be subjected to torture or inhuman or degrading treatment; (section 34a)

The obligations of states under international human rights law have three main elements:

- states must **respect** human rights by ensuring that laws, official bodies and state agents and officials do not violate human rights;
- states must exercise due diligence to **protect** individuals from human rights abuses by non-state actors by taking reasonable steps to prevent such abuses and, if serious abuses occur, by ensuring that perpetrators are brought to justice and that victims are able to obtain redress;

⁶ The International Covenant on Civil and Political Rights (ICCPR) is entered into force on 13 March 1976. Nigeria acceded to the ICCPR on 29 July 1993.

⁷ The African Charter on Human and Peoples' Rights (the African Charter) was adopted on 27 June 1981 and entered into force on 21 October 1986. Nigeria ratified the African Charter on 22 July 1983.

- states must **fulfil** human rights by taking all necessary measures to ensure that all individuals have opportunities to exercise those rights.

The concept of due diligence describes the level of action and effort which a state must take in order to fulfil its responsibility to comply with its obligations to prevent and, where appropriate, investigate and punish acts which impair any of the rights recognized under international human rights law, and to restore the right violated and ensure that those whose rights have been violated obtain redress and reparation. The UN Human Rights Committee, the body of independent experts established under the ICCPR to monitor states' compliance with their obligations under that treaty, has elaborated on these various inter-related levels of states' obligations: "the positive obligations on States Parties to ensure Covenant rights will only be fully discharged if individuals are protected by the State, not just against violations of Covenant rights by its agents, but also against acts committed by private persons or entities... States are also reminded of the interrelationship between the positive obligations imposed under article 2 of the ICCPR and the need to provide effective remedies in the event of a breach."⁸

The Human Rights Committee has also stressed that "The obligations of the Covenant... are binding on every State Party as a whole. All branches of government (executive, legislative and judicial), and other public or governmental authorities, at whatever level – national, regional or local – are in a position to engage the responsibility of the State Party." It has also drawn attention to Article 50 of the ICCPR which explicitly states that its provisions "extend to all parts of federal States without any limitations or exceptions."⁹

3 Patterns of political violence and political killings

Previous elections in Nigeria show a pattern of political violence and political killings related to elections. In the 2003 elections, there were numerous reports of assassinations of political candidates, clashes between supporters of different politicians both within political parties and between rival parties, and intimidation and harassment of political candidates and supporters. Often ethnic and local conflicts led to political violence, supported by politicians – both candidates and those holding political office - and traditional rulers. The large number of firearms available in Nigeria and the creation of armed gangs enabled politicians to instigate political violence at local and state levels. Members of state governments and houses of assembly were reportedly involved in the harassment and intimidation of rival candidates and their followers. At least a hundred people were killed and many more injured.¹⁰ Despite the large scale of political violence, few perpetrators have been brought to justice.

⁸ Human Rights Committee, General Comment 31: The nature of the general legal obligation imposed on states parties to the Covenant, para 8, www.ohchr.org

⁹ General Comment 31, para 4.

¹⁰ Amnesty International, *Nigeria: Legal Defence and Assistance Project (LEDAP) and Amnesty International Joint statement on increasing political violence in the run-up to elections* (AI Index: AFR 44/011/2003) and *Amnesty International Report 2003* (AI Index: POL 10/003/2003).

European Union Election Observation Mission Nigeria 2003, *Final Report on the National Assembly, Presidential, Gubernatorial and State House of Assembly Elections*.

The run-up to the 2007 elections has seen a similar pattern of political violence and impunity. IFES¹¹ and the Nigeria Alliance for Peaceful Elections (NAPE) report 77 incidents of political violence between 13 January and 13 February 2007. These incidents vary from clashes at political rallies, to kidnappings of opponents and killings.¹² According to their second report, covering 14 to 28 February, the violence had increased: 114 incidents, of which 19 cases of intra-party clashes, twenty cases of verbal harassment, intimidation and threat to life, and eight attacks on candidates by opponents or their supporters.¹³

3.1 Political killings

Since March 2006 several candidates running for political office in the April 2007 elections have been killed, including two candidates who were standing for the state governorship in the primary elections in Lagos and Ekiti State. Many other politicians and political candidates were subjected to violent attacks and attempted killings, but managed to escape.

- On 27 July 2006 the People's Democratic Party (PDP) prospective candidate for Governor of Lagos State, Chief Funsho Williams, was killed at his home. He was tied up, stabbed and strangled. Chief Williams was protected by four policemen who reportedly were standing at his gate. They said they did not see or hear anything suspicious. According to the Police Public Relations Officer, this was understandable, as many people came to visit Chief Williams. The Nigeria Police Force invited the London Metropolitan Police to investigate the crime scene. However, Nigerian police had reportedly failed to secure the crime scene when they first arrived. The police questioned over 250 suspects in connection with the murder of Chief Williams, including several of his political associates and personal aides. A total of 42 suspects were arrested. In February 2007 the police arrested four new suspects after they recovered the missing mobile handset of Chief Williams. Nobody has yet been charged with the killing. The police investigation continues.
- On 14 August 2006 Dr Ayo Daramola, a PDP prospective candidate for Governor in Ekiti State, was shot and stabbed by armed men who forced their way into his home. In October the police arrested six young men in connection with the killing. One of the suspects reportedly claimed that he was commissioned by an aide to the then Ekiti State Governor to kill Ayo Daramola. The other suspects claimed that the motive was robbery. In November, eight people were charged with the killing, including an aide to the former Ekiti State Governor. The trial is continuing.
- On 8 December 2006, unidentified armed men killed Timothy Ageba Uttah, a former council chairman and a PDP prospective candidate for the Benue State House of Assembly, in front of his residence in Gboko. His driver stopped the car in front of his

¹¹ IFES is a non-profit organization that assists new and developing democracies in the areas of election administration, civil society building, human rights, rule of law and governance.

¹² IFES and NAPE, *EVER report no 1, Report on Violence Education & Resolution (EVER) Project, review of January 13 – February 13 2007*.

¹³ IFES and NAPE, *EVER report no 2, Report on Violence Education & Resolution (EVER) Project, review of 14 February – 28 February 2007*.

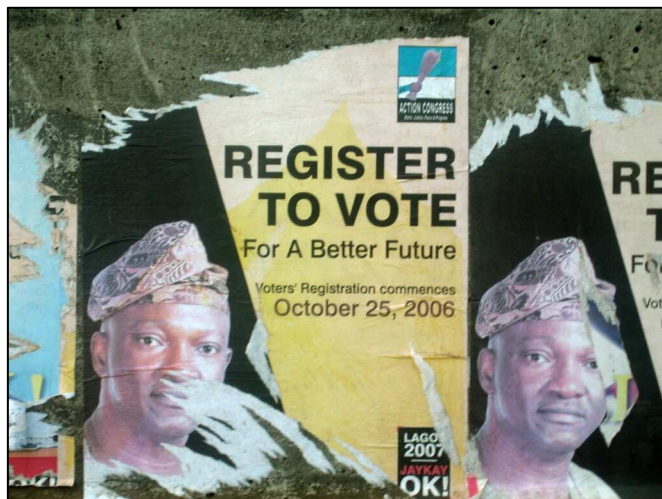
house and went to open the gate. When he returned he found Timothy Ageba Uttah had been shot dead. There were reports that his killers may have followed him home from a political meeting about the primary election, due to be held the following day. Timothy Ageba Uttah had reportedly told the police that he was receiving death threats, but no effective security measures were taken. The police are reportedly still investigating.

- On 3 February 2007, Chief Lawson Onokpasa, chieftain of the PDP in Delta State was shot at his home in Agbarho, in the Ughelli South local government area. He died on the way to the hospital. The attack was reportedly carried out by a group of seven people. The police have reportedly made several arrests and the investigation is ongoing.

3.2 Political violence

Since October 2006 dozens of people are reported to have died as a direct result of the political violence. During the campaign for the primary elections much of the violence was between supporters of competing prospective candidates within parties and in particular within the ruling People's Democratic Party (PDP).¹⁴ As all political parties intensified their campaigning in March 2007, an increase in violence between supporters of rival parties was reported. It is widely acknowledged by Nigerian civil society organizations that politicians pay their supporters and sometimes use them to intimidate, threaten and attack opponents and their supporters.

Political violence has taken place throughout the whole country. In the south-western states¹⁵ for example, the Coalition received reports of politically motivated attacks, killings, destruction of property, violent clashes between rival political parties, and threats and intimidation of political candidates and supporters. On some occasions following such clashes the police arrested only opposition politicians or supporters; on other occasions the police did not arrest any of those responsible. There are several reports of politicians, mostly belonging to the PDP, exercising undue influence, including by bribing



Electoral poster in a Lagos street . Photo © AI

¹⁴ WANEP, *WARN policy brief, Election barometer, Nigeria. April 2007 Polls: preparedness, stakes and threats*. 26 February 2007.

¹⁵ Ogun, Oyo, Ondo, Osun, Ekiti and Lagos States.

or threatening the police in order to avoid criminal prosecution and to intimidate other parties.¹⁶ Two opposition parties in Osun state, the Action Congress and National Conscience Party have stated that they have no confidence in the police.¹⁷ The Nigerian non-governmental organization (NGO) Women Advocates Research and Documentation Centre describes the current situation in the south-western states of Nigeria as very tense.¹⁸ Its report covering the period 8 to 22 February 2007 details many incidents of violence between supporters of rival parties. There are several reports of violence perpetrated by gangs hired by different politicians. In only a few of these cases did the police actually arrest suspected offenders.¹⁹

Examples of political violence at local level:

- On 30 March 2007, the governorship candidates of the All Nigerian Peoples Party (ANPP) and the PDP in Assakio, Nasarawa State, and their supporters met at the palace of the ruler of Assakio. Both governorship candidates belong to different ethnic groups; the Eggon tribe and the Alago tribe. Poster tearing triggered a clash between the supporters. What started as a political clash, has assumed ethnic dimensions and developed in a two days crisis between the two ethnic groups, resulting in 23 killed persons and 30 burnt houses. The police deployed many police officers in the area to control the situation. They are investigating the killings.²⁰
- On 3 February 2007 a by-election was organized in Iree, Osun State, for the National Assembly member for the Ifelodun/Pdo-Otin/Boripe federal constituency. Armed men, reportedly paid by politicians, invaded the polling booth in Iree, smashed the ballot boxes and destroyed the INEC registers used for the election. The officer who registered the voters, reportedly an ANPP member, was beaten to death. Many other people were wounded. The ANPP lodged a complaint at the State Police headquarters in Osogbo. The police are still investigating.²¹
- Violence erupted in Aliade, Benue State, on the weekend of 9 and 10 December 2006 after a PDP appeal panel's nomination of a candidate for the House of Assembly. Rampaging youths protested against this nomination, blocked the road, attacked his supporters and torched houses. The police tried to end the violence on 9 December in the evening and clashed with the youths. More than 10 people – police, supporters and bystanders – were killed in an exchange of fire with police. It is unclear if the police have initiated an investigation.²²
- On Friday 9 March 2007 supporters of the ANPP and PDP clashed in the President's hometown Abeokuta, the Ogun State capital. On Saturday 10 March 2007 a team of about 50 policemen, reportedly headed by the Assistant Commissioner of Police,

¹⁶ Amnesty International, interviews with NGOs from south-western states, March 2007.

¹⁷ "We've lost confidence in Police – Osun AC, NCP", *Vanguard*, 21 March 2007.

¹⁸ WARDC is member of the NAPE and coordinates the EVER programme in the south-west zone (Ogun, Oyo, Ondo, Osun, Ekiti and Lagos states)

¹⁹ Women Adocates research and documentation center (WARDC) *Bi-monthly report on incidence of election related violence monitored in the south-western Zone, Februari 8 – Februari 22, 2007.*

²⁰ Amnesty International, interviews in London, April 2007.

²¹ Amnesty International, interviews in Lagos, March 2007.

²² Amnesty International, interviews in Abuja and Lagos, March 2007.

invited a ANPP Senator and candidate for the governor elections to give a statement at the police station. Escorted by the police, the Senator and his supporters drove to the police station. On their way they ran into armed supporters of the PDP. The PDP supporters clashed with the Senator and his supporters, at least 15 of whom were wounded. The Senator was arrested for inciting his supporters to destroy property. He was released on Monday 12 March without charge. Twenty-four members of the ANPP were brought before a magistrate's court and charged with theft and destruction of property. They were released on bail. Another ANPP Senator lodged a complaint.²³ In response to this incident, the federal government deployed soldiers to assist the police.

Women prospective candidates, already an under-represented group in the 2007 elections, have reported several cases of threats, harassment and intimidation by their opponents. The Minister of Women's Affairs and Social Development, Inna Maryam Ciroma, stated in an interview that Nigerian women are hindered from participating in politics because of the political violence and discrimination related to the elections.²⁴



Calendar with women candidates. Photo © AI

²³ Amnesty International, interviews in Lagos, March 2007, and London, April 2007.

²⁴ "Political violence hinders Nigerian women from participating in politics", *Vanguard*, 4 March 2007.

- A woman prospective PDP candidate for the Senate received several threatening phone calls in October 2006 warning her that she should withdraw from politics. Several of those standing against her reportedly told her to stay out of the contest and stressed that if she continued to contest the nomination, the consequences would be more than she could handle. She lodged a complaint with the police and received police protection at her home. In the same month, two men standing in the middle of the road tried to stop the car in which she was travelling. Convinced it was not an official road block, the driver did not stop. The men then started to shoot at them, causing severe damage to the car. Again she lodged a complaint with the police. After two weeks, the police reportedly arrested someone who confessed that he had been hired to kill her. He was reportedly released without charge. The woman subsequently decided to withdraw and join another political party.²⁵
- In November 2006, a woman prospective candidate for the Federal House of Representatives received several threats, allegedly from opponents within her own party, the PDP. She lodged a complaint with the State Police Commissioner and was put under police protection. On 18 November 2006, when she attended a political meeting in her constituency, she was again threatened by her opponent and his supporters beat her and dragged her out of the venue. She lodged another complaint. The police officer, who was appointed to protect her, gave a witness statement describing the attack. The perpetrators have not been brought to justice. Reportedly, the opponent has put pressure on the police not to act. Following the incident, the woman sent a complaint to the Inspector General of Police, asking for increased protection. However, to date she has not received a reply. On 20 November 2006, six days before the primary elections, she was disqualified by her party from standing as a candidate on the false grounds that she is under age.²⁶

3.3 Violence in the Niger Delta

As during the 2003 elections, political violence is particularly prevalent in the Niger Delta region. The poverty, corruption and the presence of arms and gangs make this region very volatile. Politicians reportedly use armed groups to encourage political violence. In November and December 2006, a number of primary elections were postponed in the region as a direct consequence of the violence. There is growing fear that violence will continue to escalate in the region which already experiences pervasive human rights abuses. Reportedly, hostage-taking has in some cases been used to further electoral demands, such as changes to lists of candidates. There are also reports of hostages being held for ransom in order to raise funds for political campaigns.²⁷

According to Stakeholder Democracy Network, an NGO that monitors violence in the Niger Delta:

²⁵ Amnesty International, interviews in Abuja, March 2007 and London, April 2007.

²⁶ *Ibid.*

²⁷ Amnesty International, Interviews in Abuja and Lagos, March 2007; International Crisis Group, *Nigeria's elections: avoiding a political crisis*, 28 March 2007.

“The 2007 elections and control of territory ahead of the elections represent a converging set of interests for politicians, militias, and gangs... Some gangs are acting directly on behalf of political aspirants solely for financial gain and other groups are seeking to control territory on the prospect of negotiating financial gain with political aspirants.”²⁸

Armed groups in the Niger Delta are reported to have forged links with politicians ahead of the April 2007 elections. For example, in August 2006 at least 12 people – group members and bystanders – were killed during clashes between the armed groups linked with two politicians from Rivers State. The State Security Service, Nigeria’s intelligence agency, arrested both politicians, but they were released without charge after several weeks in detention and resumed their posts in government. The police failed to take effective steps to investigate and prosecute the members of the armed groups. The violence between these groups continued and serious clashes took place in February and March 2007 resulting in many wounded and numerous destroyed houses.

As the elections approach, the violence in the Niger Delta is continuing and reports indicate that it has been increasing. In the weekend of 3 and 4 March 2007, seven people, mostly bystanders, died and more than 20 were wounded in Port Harcourt during clashes between armed groups. Far from denouncing the acts of such armed groups, politicians often used them to further their political campaigns.²⁹

4 Climate of impunity

One manifestation of the inadequacies of the Nigerian criminal justice system is the failure to carry out inquiries in cases of politically motivated killings, as provided for in coroners’ laws, and the failure of the police to uphold the decisions of the coroner, as illustrated in the case below. Coroners’ laws exist in all Nigerian states to investigate and determine circumstances of unnatural, sudden or violent deaths through an open, public inquiry. However, for many years inquiries have been a rarity and coroners’ verdicts are often not accepted by the police. In the case of the death of Chief Charles Alaba Joseph, the police refused to comply with a coroner’s request for a reinvestigation. Chief Alaba Joseph, the Chairman of Mobitel, died on 15 September 2005 under suspicious circumstances. The police concluded that Chief Joseph committed suicide by jumping off his office building. The Attorney-General appointed a coroner to look into the circumstances surrounding Chief Joseph’s death. The coroner commenced an inquiry in November 2005 and took evidence from 22 witnesses. Her findings, published on 27 January 2006, state that Chief Joseph did not commit suicide, but died as a result of a gunshot wound to his head. The police, however, rejected the outcome and issued a press statement which described the verdict as “ill-motivated and intending to ridicule the police force”. The police refused to reopen the investigation, despite pressure from civil society organizations.³⁰

²⁸ Stakeholder Democracy Network, *Niger Delta Analysis*, August 2006. See: <http://www.stakeholderdemocracy.org/main/content/view/38/47/> (accessed 15 February 2007).

²⁹ Stakeholder Democracy Network, *Stakeholder Democracy News*, Volume 2, Issue 2, 4 March 2007.

³⁰ Amnesty International, interviews in Lagos, March 2007 and Ayodele Odugbesan, *An inquest into the death of Mr Charles Alaba Joseph: Verdict*, 27 January 2006.

Allowing those who commit abuses to get away with it helps perpetuate the cycle of violence.³¹ By contrast, ensuring that perpetrators are brought to justice gives a clear signal that abuses of human rights will not be tolerated, thereby helping to prevent future abuses. Nigeria has an obligation under international law to respect and protect human rights, which requires that effective measures be taken to combat impunity. This includes bringing perpetrators to justice in accordance with international human rights standards. Only by clarifying the truth about what has happened, establishing accountability for human rights abuses, and bringing to justice those responsible can confidence in the justice system be restored and human rights be protected.

Most politically motivated violence and killings committed in the 1999 and 2003 elections were not investigated or punished, and this situation has contributed to the climate of impunity which prevails in Nigeria.³² Nigeria has seen many political killings in the past eight years, such as the murders of Marshall Harry, Bola Ige, Aminasaori Dikibo, Barnabas Igwe and Dele Arojo.³³ In the months before federal and state elections in April and May 2003 political killings were reported throughout the country, with allegations of the involvement of individual members of state and local governments and political parties.

The failure of the police to investigate political killings effectively and to bring to justice the perpetrators is a concern for current cases of political killings. The UN Special Rapporteur on extrajudicial, summary or arbitrary executions has stated:

"In recent years many leading political figures have been assassinated. Prosecutions have been rare and convictions almost non-existent... The de facto impunity enjoyed for these crimes risks undermining Nigerian democracy, and the 2007 election year threatens many more killings unless impunity is ended."³⁴

In March 2007, the Special Rapporteur on torture reiterated the conclusion of the Special Rapporteur on extrajudicial, summary or arbitrary executions:

³¹ As an example, in a 2005 report on impunity, LEDAP recorded 694 deaths in 231 incidents, out of which only 2 have been prosecuted and 43 were under investigation in May 2006. See LEDAP, *Impunity in Nigeria 2005*.

³² Amnesty International, *Nigeria: Legal Defence and Assistance Project (LEDAP) and Amnesty International Joint statement on increasing political violence in the run-up to elections* (AI Index: AFR 44/011/2003), *Amnesty International Report 2003* (AI Index POL: 10/003/2003) and *Amnesty International Report 2004* (AI Index: P OL 10/001/2004).

³³ For example the murder of the Nigerian Minister of Justice and Attorney General, Bola Ige, who was shot dead on 23 December 2001 in his house in Ibadan. He is the most senior politician to be killed since President Obasanjo came to office in 1999. Initially, the police suspected the killing was linked to a political crisis in Osun State. In December 2002 a former Osun State Deputy Governor was arrested. While in prison, he ran for the Senate as PDP candidate and was elected. The trial started in March 2003 and in June 2004 the High Court discharged and acquitted all the accused. Those responsible for the murder of Bola Ige have not been brought to justice. Or the killing of Marshall Harry in the run-up to the 2003 elections: this senior politician of the ANPP was killed in his house on 5 March 2003 by unidentified armed men. Reportedly, three armed men entered the house and shot him. After initially arresting 66 suspects, the police concluded that Marshall Harry was murdered by a gang of armed robbers. The police denied the murder was politically motivated.

³⁴ *Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Mr. Philip Alston, of a mission to Nigeria*, E/CN.4/2006/53/Add.4, 7 January 2006. See: <http://daccessdds.un.org/doc/UNDOC/GEN/G06/106/40/PDF/G0610640.pdf?OpenElement> (accessed 15 February 2007).

“There is no single entry point for reformers of the dismally inadequate Nigerian criminal justice system. Virtually every component part of the system functions badly. The result is a vicious circle in which each group contributing to the problem [police officers, politicians, and the judiciary] is content to blame the other.”³⁵

Moreover, the role of politicians – both candidates and those holding political office – in instigating, encouraging or perpetuating election-related violence in Nigeria is widely acknowledged by officials, civil society organizations and the media. In August 2006 the Inspector General of Police stated that politicians were recruiting students to engage in political violence. In the same month the Ebonyi State Commissioner of Police is reported to have identified political candidates who, according to police intelligence, had started to train “thugs” – armed supporters or gangs – in preparation for the elections. Similar statements made by police and security officials in several Nigerian states about the role of politicians in instigating and encouraging political violence have been reported in the media.

However, despite these verbal acknowledgements and warnings by various officials, little effective action has been taken by the government or law enforcement authorities to curb political violence. The Nigerian police force is widely acknowledged to be subject to political manipulation and the role of senior political figures in instigating and supporting political violence is frequently ignored. According to NGOs monitoring police actions, the police frequently do not investigate effectively and fail to ensure that prosecutions are brought against people suspected of carrying out acts of political violence unless and until they receive political authorization to do so. When the police arrest people during violent clashes there is reportedly an unofficial screening process that often results in the police releasing those linked to the ruling party or to powerful state or local political figures. Accordingly, the Nigerian government does not succeed in ending the climate of impunity.

³⁵ *Special Rapporteur on torture concludes visit to Nigeria*, HR/07/35, 12 March 2007, see: <http://www.unhchr.ch/hurricane/hurricane.nsf/view01/DC4834AE01D70CADC125729C003F776A?opendocument> (accessed 2 April 2007).

5 Recommendations

Nigerian authorities, candidates and political parties should respect and protect human rights before, during and after the elections.

To the government

The Coalition calls on the government to take measures to halt election violence and related human rights abuses. These measures should include:

1. **No toleration of human rights abuses before, during or after the elections.** The government should make a clear public statement that human rights abuses will not be tolerated and ensure that political violence will not be instigated, encouraged or perpetuated. It should instruct the police and relevant local authorities to ensure that candidates and voters are not subjected to human rights abuses, intimidation or threats.
2. **No impunity** for those who commit human rights abuses before, during and after the elections. The relevant authorities should investigate reports of killings, intimidation and threats of violence, regardless of the political affiliation of the victims or suspected perpetrators, and ensure that those who commit such abuses are brought to justice.
3. **No denial of Nigeria's international human rights obligations**, as explicitly set out in the treaties it has ratified. In its reports to the relevant international treaty monitoring bodies on Nigeria's implementation of its obligations under these treaties, the government should include information on the measures it has taken to respect and protect human rights in the context of the elections.

To political parties and candidates

Political parties and candidates should take the following steps:

1. **Place the protection of human rights at the heart of the electoral campaign.**
 - Include respect, protection and promotion of human rights in their manifesto for policies which they undertake to follow if elected.
 - Make clear public commitments to promote and respect human rights before, during and after the elections.
2. **Ensure that the elections are free of violence and related human rights abuses.**
 - **Refrain from instigating, encouraging or perpetuating political violence.**

- **Call for effective investigations** by the relevant authorities into cases of political violence and related human rights abuses in the context of the elections. Urge the authorities to bring suspected perpetrators of such human rights abuses to justice without further delay.
 - **Cooperate fully with the authorities' investigations into politically motivated acts of violence.**
 - **Publicly state that acts of political violence by party members and candidates will not be tolerated.** Investigate allegations of political violence and expel, suspend or impose other similar disciplinary measures on those within the party found responsible for such acts.
- 4. Make a commitment to initiate and support legislation and policies aimed at promoting and respecting human rights.**

Signed:

Access to Justice
Amnesty International
Baobab For Women Human Rights
Campaign for Accountable Governance through Elections (CAGE)
Centre for Constitutionalism & Demilitarisation (CENCOD)
Centre for Democracy and Development (CDD)
Civil Liberty Organisation (CLO)
Cleen Foundation
Concerned Professionals
Constitutional Rights Project (CRP)
Gender and Development Action (GADA)
Human Development Initiatives
Human Rights Law Services (HURI – LAWS)
Independent Advocacy Project (IAP)
International Press Centre
Kudirat Initiative for Democracy (KIND)
Legal Defence and Assistance Project (LEDAP)
Legal Research and Resource Development Centre
Legal Resources Consortium (LRC)
Media Rights Agenda (MRA)
National Association of Democratic Lawyers
Project Alert on Violence Against Women
Rural Women Empowerment Network (RUWEN)
Socio-Economic Rights & Accountability Project (SERAP)
Social and Economic Rights Action Center (SERAC)
West African Bar Association (WABA)
West African Network for Peace Building Nigeria (WANEP)
Women Advocates Research & Documentation Centre (WARDC)