



## NIGERIA: BRIEFING TO INTERNATIONAL ELECTIONS OBSERVERS

In the run up to the April elections in Nigeria, Amnesty International calls upon international election observers to make human rights monitoring a central aspect of their brief, and makes a number of recommendations below, which are aimed at allowing the integration of election monitoring and human rights.

Nigeria will hold four elections in April: National Assembly elections on 2 April, followed by the Presidential election on 9 April and State Governorship and State Assembly elections on 16 April. The April 2011 elections will be only the fourth multiparty elections to have taken place in Nigeria since the end of military rule in 1999.

In the run-up to the elections, the country has seen an increase of violence. Since July 2010, over 50 people are reported to have been killed in election related violence throughout the country and more than 50 people have been killed in sectarian violence in and around Maiduguri, Borno State. Over two hundred people have been killed in communal and sectarian violence in Plateau State since 24 December 2010. Amnesty International has received numerous reports of politically motivated assassinations, threats and intimidation targeting candidates and their supporters, clashes between non-state actors and excessive use of force, including lethal force, by security forces in the run up to April's elections. In addition, human rights defenders and journalists, who play a key role in monitoring Nigeria's upcoming election, are facing increasing intimidation and harassment. (See Amnesty International, Nigeria: Loss of life, insecurity and impunity in the run-up to Nigeria's elections, AI Index AFR 44/005/2011).

Yet there have been no general countrywide anti-electoral violence campaigns, no public awareness programmes, and no adequate investigations, prosecution and conviction of those responsible. Perpetrators continue to torment political rivals with impunity.

By failing to take effective measures to stem the tide of violence, the Nigerian authorities are fostering a climate of impunity, and creating conditions conducive to escalating levels of violence in the lead-up to the April elections. Allowing perpetrators to commit abuses clearly prohibited by law without consequence allows violence and human rights abuses to flourish.

The elections in 1999, 2003 and 2007 show a pattern of political violence. They were marred by widespread political violence, including killings of candidates, intimidation and harassment of political opponents and others and allegations that political candidates hired armed gangs to instigate political violence and target rivals. Security officials failed to take adequate steps to uphold the human rights of Nigerians. Most of the past acts of violence, including political assassinations, wanton killing, beatings, destruction of property, harassment and coercion were either poorly, or not, investigated. In 2007 more than 200 people were killed in election-related violence. The role of politicians – both candidates and

those holding political office – in instigating, encouraging or perpetuating election-related violence was widely acknowledged by officials, civil society organizations and the media. However, the government did not take any effective action to stop the violence.

In the context of the April 2011 elections, Amnesty International's concerns include:

- Impunity for killings, attacks, intimidation and harassment by state and non-state actors against politicians and their supporters
- Increasing levels of harassment against human rights defenders and journalists
- Threats against freedom of expression and association

It is essential that election monitoring, in addition to observing the election process itself, takes full account of contextual human rights factors, before, during and after the elections. Monitoring bodies should call on the authorities immediately to stop any human rights violations observed by or reported to monitors, and a human rights assessment should form an integral part of the overall report on the elections.

Assessing election conditions without reference to associated human rights violations undermines the credibility of the monitoring process as much as those human rights violations undermine the credibility of the electoral process.

## **OVERVIEW OF THE HUMAN RIGHTS SITUATION**

Since the end of military rule in 1999, efforts have been made by the Nigerian government to improve the human rights situation within the country. The Constitution, which came into force in 1999, recognizes the right to life, prohibits torture and other ill treatment, and guarantees a fair trial. However, a number of human rights issues remain of concern, including:

- Every year the Nigerian police unlawfully kill hundreds of people. Many people are unlawfully killed before or during arrest. Others are tortured to death in police detention. A large proportion of these unlawful killings may constitute extrajudicial executions. The security forces routinely use torture to extract information and confessions.
- Hundreds of people languish on death row in Nigeria's prisons pending execution, including women and juveniles, the elderly and infirm. Many people on death row were convicted following blatantly unfair trials. Conditions in many of Nigeria's prisons violate inmates' right not to be subjected to cruel, inhuman and degrading treatment and punishment.
- Nigeria's criminal justice system is severely weak. It has a small and ill-resourced government-funded Legal Aid Council, which offers very few people assistance.
- Despite 50 years of commercial oil extraction in the Niger Delta, the region remains impoverished. It is plagued by conflict, grave human rights abuses. Pollution and environmental damage caused by the oil industry have resulted in violations of the rights to health, the right to an adequate standard of living (including the right to food and water) and the right to livelihood for hundreds of thousands of people living in the Niger Delta. The oil industry regulatory system in Nigeria is deeply flawed
- Since 2000, over 2 million people have reportedly been forcibly evicted from their homes in different parts of Nigeria. Such evictions generally target marginalized people, many of whom have lived for years without access to clean water, sanitation, adequate health care or education. These evictions are often carried out without adequate prior consultation, adequate notice and compensation or alternative accommodation. In Port Harcourt, the capital of Rivers state and the most populous city in the Niger Delta, wide scale demolitions are planned along the city's waterfronts, despite earlier state government promises that no evictions would take place. Thousands of people have already been forcibly evicted from their homes, and over 200,000 more remain at risk.

- Human rights defenders and journalists, who will play a key role in monitoring the election, continue to face intimidation and harassment.
- Thousands of people have been killed across Nigeria by civilians and security forces in politically-motivated and ethnically-religiously related attacks since 1999. Tensions over land and political influence have existed for years but the Nigerian authorities have failed to take measures to prevent violent clashes and to protect life of individuals. Amnesty International believes that many of the deaths could have been prevented if the authorities responded appropriately.

## RECOMMENDATIONS

Amnesty International is making the following recommendations to international election observers to Nigeria:

### 1. THE ROLE OF THE INTERNATIONAL COMMUNITY

The intergovernmental and other organisations sending observers/monitors to monitor the Nigerian elections should give close attention to human rights concerns. Observers should assess the context in which the elections take place to ensure that it respects human rights and protects people from human rights violations. Observers should make clear public statements that they will, in addition to monitoring the conduct of the election also monitor the human rights environment surrounding the poll.

### 2. PROPER PREPARATION OF OBSERVERS

Observers must be trained and equipped to monitor human rights abuses within the context of the poll. In particular, observers should monitor the following:

- There must be freedom of expression, association and movement for candidates, their supporters, as well as for voters generally, and journalists, human rights defenders and national election monitors.
- Candidates, their supporters, journalists, human rights defenders and voters must not be subjected to harassment, intimidation, and physical attacks.
- The right to peaceful assembly, including peaceful political demonstrations must be upheld and observed

Observers should be provided with the texts of relevant human rights standards, including the United Nations Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples' Rights. They should also be provided with appropriate manuals, including *inter alia*, Human Rights and Elections- A Handbook on Legal Technical and Human Rights Aspects for Elections, Professional Training Series (No. 2), Centre for Human Rights (Geneva, 1994).

### 3. NO TO INTERNATIONAL SILENT WITNESSES

All international observers must report, through explicit and proper channels, any human rights abuses they witness, or allegations of human rights violations they receive. The observation mission concerned should take appropriate steps to raise these issues with the relevant authorities, including the Nigeria Police Force and the Independent National Electoral Commission (INEC) and review the situation before, during and after the election. The observation mission should make public their findings regarding the authorities' response, including any failure to take swift and effective remedial action in accordance with international human rights standards.

### 4. HUMAN RIGHTS MONITORING AT POLLING STATIONS AND BEYOND

In order for citizens to participate in elections freely and without intimidation, authorities must ensure that all rights pivotal to such participation can be enjoyed by all without discrimination. Observers should record human rights abuses which impact on people's ability to exercise their rights that occur

before and after the actual dates of polling. In many cases, the most numerous and serious human rights violations happen away from polling stations. There should not only be monitoring of these locations, but of the general environment and human rights conditions. Election observers should assess whether voters may have been intimidated or pressured to vote or not to vote for any particular candidate or party, and should note any discrimination in the exercise of human rights, or other disadvantage people face, on account of their actual or perceived political opinions. They should record and report what action local authorities take, or refrain from taking, in response to incidents or allegations of incidents.

#### 5. THE ROLE OF POLICE AND SECURITY FORCES

Election observers should monitor the actions of the security forces, in particular the Nigeria Police Force, the armed forces and special task forces in the policing of political rallies, campaign meetings and at polling stations, and methods of crowd control during any disturbances. Observers should note whether their action is prompt, appropriate and proportionate, especially in relation to the use of excessive force. Election observers must immediately report incidents or allegations of human rights violations committed by such forces to the authorities.

#### 6. SUPPORT TO LOCAL OBSERVERS, ESPECIALLY IN THE NIGER DELTA AND BAUCHI, BORNO AND PLATEAU STATES

International and local election observers should work closely together and support each other, in order to prevent either group from being restricted or ignored by the authorities. In particular international observers should ensure that local observers do not suffer any reprisals on account of their activities, including defending human rights, either during or after the election process. Many national NGOs are participating in the elections as local observers. This work is particularly important in the areas that have been the most volatile such as in the Niger Delta and in Bauchi, Borno and Plateau States. It is crucial that international election observers work closely with their national counterparts and where appropriate, devise effective ways of protecting local observers, including by reporting attempts to prevent them carrying out their monitoring responsibilities to the authorities, including INEC.