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# NIGERIA

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I was stopped by a [local political supporter of the governor.] He told me, "... [Governor] Odili has said the present council chairman should be supported. Why are you disobeying?" ... He said he would teach me a lesson.... He opened the boot of his car, took out a machet, and aimed it at my head. About twenty people were there. They attacked me; they cut the tendons on both of my feet. Eventually they left me for dead.

-- Testimony to Human Rights Watch from victim of political violence, Rivers State, February 13, 2003

## TESTING DEMOCRACY: Political Violence in Nigeria

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## NIGERIA

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## I. INTRODUCTION AND SUMMARY OF REPORT

Political violence poses a serious threat to the legitimacy of the state and federal elections that will take place in Nigeria from April 12 to May 3, 2003.<sup>1</sup> Since party primary elections for local government candidates began in mid-2002, hundreds of people have been killed as a result of political violence in Nigeria, and thousands displaced. Not all of this violence can be directly linked to the elections, but the heightened tension created by competition for public office has exacerbated existing conflicts and created new ones. Nigerian politicians, police and public commentators have regularly denounced political violence, repeated their resolve that those responsible for the crimes will be brought to justice, and urged citizens not to allow themselves to be used for political thuggery—politicians invariably round off these injunctions with an accusatory finger pointed at their political opponents. But little concrete action is taken against those who use violence to further their political ambitions. The perpetrators of violence and their sponsors often enjoy complete impunity for their actions both from the official law enforcement bodies and from their own political parties.

In the last days preceding elections and during the election period, the utmost vigilance by political parties, police and government will be required to ensure that political tensions are kept in check. The danger of clashes will not necessarily subside once the elections are over. Therefore, the Nigerian government, electoral commission and police must take serious steps now to bolster Nigerians' confidence in the electoral system and thereby prevent the post-election phase from degenerating into a period of violent protest and revenge in response to perceived electoral injustices.

The case studies included in this report reflect interviews with dozens of victims and witnesses of violence in the states of Bayelsa, Rivers, Kwara, Enugu and Plateau, chosen to illustrate different patterns of political violence. Because political power is one of the few ways to access wealth in Nigeria, politics often becomes what is frequently referred to in Nigeria as “a do-or-die affair.” Individuals are so desperate to remain or get close to the center of power that they resort to ruthless methods that might be avoided if the economy and society offered other means of supporting themselves and their families. For the same reason, the use of political thugs is a phenomenon that occurs across Nigeria. Widespread poverty and unemployment leave young people, primarily young men, susceptible to informal “employment” by politicians or their supporters as small armed forces. However, the dynamics driving political violence differ to some extent in each state covered in detail by this report. In the southern states of Bayelsa, Rivers, and Delta, political conflict is often exacerbated by the desire to control the lucrative relationship between local communities and oil companies operating in the area. In Kwara and Enugu, personal hostility between leading politicians has led to violence between their supporters. In Plateau, those who call themselves “indigenes” or natives of the state have repeatedly clashed with those they view as settlers. Ethnic and religious divisions often play a part in defining the lines of conflict and are manipulated by politicians for their own ends. Nonetheless, the many causes of political violence overlap across states and defy easy classification. The cases illustrate different fundamental dynamics in each state, but also contain certain common themes across the country.

This report discusses the obligations of the government and security forces to prevent and prosecute political violence, as well as the important roles of the national electoral commission, political parties and the international community in helping to reduce such violence. The Nigerian government and police have failed to investigate or prosecute many cases of political violence, despite public statements that violence will not be tolerated. When arrests are made, police target low-level “thugs” more often than the politicians who sponsor them, in some cases also arresting youths unconnected to the incident in round-ups aimed at proving some action is being taken. On top of (and related to) a simple inability to perform thorough investigations because of a lack of resources, police are susceptible to corruption and undue influence by politicians or their wealthy and influential supporters. Even more seriously, police have been accused in some cases of actually participating in violence. Extrajudicial executions and excessive use of force by police have consistently been serious problems in Nigeria. Renewed law

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<sup>1</sup> Elections for the National Assembly are scheduled for April 12, 2003; the gubernatorial and presidential contests for April 19, with April 26 and 29 set aside for runoff polls; and elections to the State Houses of Assembly for May 3. Elections for local governments have not yet been scheduled.

enforcement initiatives authorizing police to shoot on sight in certain circumstances have the potential to be used in some cases as a cover to assist unscrupulous politicians in intimidating or even eliminating their opponents and opponents' supporters.

The Independent National Electoral Commission's (INEC) perceived willingness and ability to manage elections impartially can affect the level of political violence.<sup>2</sup> If elections are fair and transparent, it is more difficult for any group credibly to claim grievances that could lead to violence in the post-election period. The number of clashes provoked by party primaries, which quite often did not follow clear procedures articulated in advance, illustrates the importance of transparency at the general elections, where the stakes will be even higher. Unfortunately, at many stages of preparing for elections, including registration of political parties, accreditation of election observers, and setting the election schedule, INEC did not initially clarify the bases for making decisions, leaving it fairly open to criticism that it was favoring the ruling party. Separate state-level commissions responsible for managing local government elections, which were originally scheduled for April 2002, have still not announced a concrete plan for when and how they will take place.<sup>3</sup>

The political parties themselves have failed to impose discipline on their own members. While government officials and leaders of several parties have made public statements condemning political violence, public reprimands of their own party members, let alone more serious disciplinary actions within the parties, have been rare. In addition, parties and candidates have sometimes accused their opponents of participating in political violence with little apparent basis, which exacerbates tensions that could lead to violence between their supporters. As part of the process of growing from loose associations based on fleeting political interests to parties with true commitments to human rights, political parties need to begin to take criminal activities and human rights violations committed by their members more seriously, regardless of the criminals' status in government or within the party.

The international community has an important role to play in supporting respect for human rights in Nigeria during the elections. Strong and consistent statements from the international community denouncing serious abuses in Nigeria have been lacking over the last four years, despite signs that President Obasanjo would be sensitive to international opinion. While this public silence from the international community might have been designed to support the transition from military to civilian rule, it has left many in Nigeria with the impression that western governments, in particular, care little for their plight so long as the Nigerian government is nominally democratic, civilian, and reasonably friendly to western interests. The New Partnership for Africa's Development provides a fresh platform for both donor and African countries to exert pressure on Nigeria to prevent political violence, as they continue to provide election-related support to Nigerian government and civil society groups, and send observer delegations to monitor some stages of the Nigerian elections.

Included in this report are recommendations to the Nigerian government and security forces, political parties, and the international community. Among the key recommendations are: there should be prompt and impartial investigations and prosecutions of those suspected of having committed political violence, including those who help to arm or organize the immediate perpetrators. Police must ensure public safety by responding impartially to security threats, without excessive use of force. INEC should manage elections in an open manner according to established procedures so that all political parties can be confident that the rules have been applied in a fair-minded way. Political parties should suspend members who engage in political violence, regardless of party hierarchy, and are urged to adopt and publicize non-violence and respect for human rights as key principles of their party platforms. Members of the international community are encouraged to press the Nigerian government

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<sup>2</sup> INEC is a constitutionally-created body charged with managing presidential, national- and state-level elections, including among other things registration of voters, certification of political parties, and monitoring certain aspects of party operations.

<sup>3</sup> The three-year tenure of local government officials expired on May 29, 2002. The ruling People's Democratic Party (PDP) held local party primaries over the course of 2002 in anticipation of the local council elections, and became the setting for numerous incidents of political violence. The local council primaries had originally been scheduled for April 2002; they were postponed to August 2002, and finally postponed indefinitely; the state electoral commissions responsible for local election have yet to announce a final schedule. In the meantime, the state governors appointed local "caretaker committees" to administer local government affairs when the local council tenures expired.

to prevent and punish political violence and other cases of human rights abuse. Foreign governments and inter-governmental organizations are especially urged to monitor local government elections, where serious violence may occur.

A briefing paper issued by Human Rights Watch in January 2003 described our general causes for concern in the pre-election period.<sup>4</sup> The current report follows up with more detailed information on incidents of political violence. It first presents case studies of political violence in four states: Bayelsa, Rivers, Kwara and Enugu. It then describes two crises where political conflict has occurred along religious or ethnic lines: the first in Jos, the capital of Plateau State; and the second in the southern oil city of Warri, in Delta State. Cases of high profile assassination are next reviewed, followed by a section highlighting the role of police and the problems of impunity, arbitrary arrest and extrajudicial killings. Some problems that have plagued the management of the electoral process are next described, followed by a review of the roles of the political parties and of the international community in supporting peaceful elections. A full set of recommendations appears at the end of the report.

## II. POLITICAL VIOLENCE

### Overview

As the elections approach, political violence has increased across Nigeria. In a small number of high profile cases, there have been arrests, but the vast majority of cases of political violence have not led to prosecutions. Over the last couple of years, a great deal of violence was associated with jockeying for position within the political parties. The conduct of local government primaries for the ruling People's Democratic Party (PDP), organized at the state level, resulted in many conflicts, causing countless deaths, injuries and damage to property, and stoking resentment and hostility among the candidates and their supporters. Now, with their feelings already running high, many of the same politicians will face each other again in the general elections after some candidates who lost in the primaries moved into other political parties. In large part, the latest violence has pitted politicians and supporters of the PDP of President Olusegun Obasanjo against the All Nigeria People's Party (ANPP) led by Mohammed Buhari, the president's main challenger, though other parties have also been involved. Killings of high profile politicians have continued apace, worsening citizens' confidence in the political system even in areas that have not been directly affected by political clashes.

The reports of political violence are so numerous that Human Rights Watch cannot verify whether every incident was in fact politically motivated. Undoubtedly a political motive is sometimes groundlessly ascribed to crimes because it heightens the interest of a story in the media, especially in cases of targeted killings. In any event, the sheer number of cases being reported leaves little doubt that political violence poses a grave danger to the rights of Nigerians across the country, as well as to the prospects for a violence-free election. As an illustration of the frequency of reported cases, a non-exhaustive search of electronic media outlets over a two-week period in early March 2003 yielded the following results:<sup>5</sup>

- Early March – Sokoto: PDP/ANPP clash between armed supporters.<sup>6</sup>
- March 2 – Enugu: ANPP gubernatorial candidate petitions police regarding telephone calls threatening assassination if he does not give up his bid.<sup>7</sup>
- March 3 – Ebonyi: State chairman for the ANPP reports shooting attack on him while in vehicle.<sup>8</sup>
- March 4 – Rivers: Explosion damages medical clinic owned by secretary to the state government.<sup>9</sup>

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<sup>4</sup> "Nigeria at the Crossroads: Human Rights Concerns in the Pre-election Period," A Human Rights Watch Briefing Paper, January 2003.

<sup>5</sup> This is just a sample of reports during this period; it does not cover all reported cases and does not include the many cases that never reach the national media.

<sup>6</sup> Ahmed Oyerinde, "No One Died in Party Clash – Police," *This Day*, March 8, 2003.

<sup>7</sup> Utibe Uko, "ANPP Guber Candidate Alleges Threat to Life," *This Day*, March 2, 2003.

<sup>8</sup> "Ebonyi ANPP Boss Escapes Assassination," *This Day*, March 3, 2003.

<sup>9</sup> "Explosion Destroys Rivers SSG's Clinic," *This Day*, March 8, 2003.

- March 4 – Edo: At least one person killed in PDP/ANPP clash after PDP state governor’s campaign convoy is attacked; bus and several houses burnt.<sup>10</sup>
- March 4 – Ekiti: State ANPP leader dies of injuries from acid attack in late December.<sup>11</sup>
- March 5 – Abuja: Marshall Harry, ANPP Vice Chairman for the South-South Zone, shot dead in his Abuja residence.<sup>12</sup>
- March 6 – Cross Rivers: Several supporters injured and four cars vandalized in attack on ANPP senatorial candidate’s convoy.<sup>13</sup>
- March 7 – Abuja: Protest against Plateau State governor comes under attack by state government thugs, leading to several injuries and destruction of vehicles.<sup>14</sup>
- March 10, 11 – Kebbi: PDP/ANPP clash in which two reported seriously injured, eleven homes burned, fifty-three people arrested.<sup>15</sup>
- March 11-12 – Lagos: Seven people feared dead in PDP/Alliance for Democracy (AD) clash.<sup>16</sup>
- March 13 and subsequent two weeks – Delta: Scores of people reported killed in Okerenkoko and other villages around Warri following clashes between Ijaws and Itsekiris in dispute over additional electoral wards in Warri, and clashes between Ijaws and the military.
- March 13 – Imo: State officials announce armed attacks on residences of deputy governor and secretary to state government.<sup>17</sup>
- March 14 – Ondo: Convoy of Gani Fawehinmi, presidential candidate for National Conscience Party (NCP), seriously injuring his driver.<sup>18</sup>
- March 15 – Oyo: At least seven injured after attack on AD supporters at governor’s campaign rally.<sup>19</sup>
- March 15,16 – Kebbi: At least 200 homes burned during PDP/ANPP clash.<sup>20</sup>

In some cases, political violence has been carried out in locations where violent conflict was already a problem. This has been the case in parts of the Niger delta, for example, and in central states such as Taraba, Benue, and Plateau that have experienced scores of violent inter-communal clashes over the last few years, the elections appear to be creating a new reason for fighting. In July 2002, two people in Taraba were reportedly killed and twenty injured in inter-factional disputes at the PDP primaries.<sup>21</sup> In Benue, a conflict between the PDP and the ANPP on February 18, 2003, led to at least seven deaths in Jato-Aka, the home town of the ANPP’s gubernatorial candidate Paul Unongo as well as of the governor’s special adviser on political affairs, Orya Korinjo. The crisis was apparently triggered by the killing of a guard at a hotel owned by Paul Unongo. According to media and other accounts, the guard was killed by PDP supporters, although a representative of the government claimed he was killed by infighting among ANPP thugs who then used the killing as an excuse to begin attacking PDP supporters. Unongo’s supporters responded by attacking PDP members in Jato-Aka. ANPP supporters attacked and killed Korinjo’s elderly father with machetes and burned his home. At least four other PDP supporters were reportedly killed, and several other homes destroyed. Again accounts vary as to whether this was strictly a reprisal attack or whether there was fighting between the two groups. In a press statement in early March, the police announced that ten people had been charged with arson and conspiracy to commit murder, and that three others, including local PDP and ANPP politicians, were wanted by police in connection with the killing.<sup>22</sup>

<sup>10</sup> Emma Amaize, “Armed Youths Attack Igbinedion’s Campaign Team,” *Vanguard*, March 6, 2003.

<sup>11</sup> “Ekiti AD Women’s Leader Dies of Acid Attack,” *Vanguard*, March 5, 2003.

<sup>12</sup> See discussion in section below, *IV. Political Assassinations*.

<sup>13</sup> Amby Uneze, “APP Senatorial Candidate Escapes Attack,” *This Day*, March 8, 2003.

<sup>14</sup> “Pandemonium as Armed Thugs Storm Secretariat,” *Vanguard*, March 8, 2003.

<sup>15</sup> “Two seriously injured, 53 arrested over clashes in Nigeria,” *Agence France-Presse*, March 12, 2003.

<sup>16</sup> “Ruling party, opposition party supporters clash in capital,” *Vanguard*, March 14, 2003.

<sup>17</sup> “Hired Killers in Fresh Attack on Dep Gov, SSG’s Homes,” *Vanguard*, March 13, 2003.

<sup>18</sup> “Presidential Contender Accuses Nigerian Leader of Convoy Attack,” *Associated Press*, March 14, 2003.

<sup>19</sup> “Violence Trails Rally as Adesina Flags Off Campaign,” *This Day*, March 16, 2003.

<sup>20</sup> “Hundreds of Homes Burned in Nigeria Poll Violence,” *Agence France-Presse*, March 17, 2003.

<sup>21</sup> “Two die, 20 injured in Nigerian political violence,” *Agence France-Presse*, July 6, 2002.

<sup>22</sup> This information is based on media and other accounts. See for example: Daniel Ior, “Police Declare Ex-LG Boss, Two Others Wanted,” *This Day*, March 10, 2003; “7 Killed in PDP/ANPP Clash,” *News*, February 24, 2003.

Even in the North, which has experienced less political violence, there have been reports of clashes between the PDP and the ANPP. In the remote northern state of Kebbi, police reported that two people were seriously injured, eleven homes burned, and fifty-three people arrested following inter-party clashes on March 10 and 11.<sup>23</sup> In neighboring Sokoto State, PDP and ANPP members reportedly got into a dispute in early March over the destruction of political posters and paraphernalia of the opposing camp. While police said no one was seriously injured, “one thing led to the other, and police started using dangerous weapons, ranging from knives to cutlasses.”<sup>24</sup> Disturbing reports of politically motivated violence continue to emerge from across Nigeria.

## Case Studies

In these case studies, politicians or their close political supporters have been responsible for committing violence for political ends. In most of the cases, there has been little or no progress in bringing the perpetrators to justice. It is worth repeating that the cases presented below or described elsewhere in this report do not begin to exhaustively describe all incidents of political violence in Nigeria, or even in the states under study.

### *a. Ogbolomabiri, Bayelsa State: Political violence and armed youths in oil-producing areas*

In Nembe local government area (LGA), dozens of people were reported killed in a political conflict in Ogbolomabiri, a part of Nembe town, in July 2002.<sup>25</sup> Fighting first broke out in Nembe on July 5, 2002, the day of the local primaries for the PDP, the national ruling party as well as the party of the Bayelsa State governor. Conflict in Bayelsa at the time of the PDP primaries was not limited to Nembe; the Ijaw Council for Human Rights (ICHR), a local human rights organization, also documented outbreaks of violence in Brass and Ogbia LGAs.<sup>26</sup> The fighting in Nembe occurred between two rival youth groups, whose patrons were Bayelsa politicians eager to secure the vote in Ogbolomabiri for their respective political factions. Many residents fled the town. On July 20, another serious spate of violence occurred as the group that had been ousted on July 5 returned to reclaim its previous position of authority. Thereafter, some residents returned to the town, though many have stayed away. When they spoke with Human Rights Watch researchers in February 2003, many residents believed that violence was likely to break out again at the general elections.

### *Background*

Nembe has been aptly described as a semi-republic within Nigeria. A town isolated by water and lack of infrastructure in the creeks of the Niger Delta, the town of Nembe has been effectively ruled for around the last ten years by so-called youth groups, and their patrons, with little direct intervention from government. Those in control of the town also control the relatively lucrative relationship with Shell Petroleum Development Company (SPDC), which operates one of the most productive wells in West Africa in the Nembe area.<sup>27</sup> Recently, fighting has occurred between two youth groups based within Ogbolomabiri.<sup>28</sup> Chief Lionel Jonathan, who in July 2002 was Commissioner for Environment under Bayelsa State Governor Alamiyeseigha and director of the governor’s re-election campaign organization, is the patron of one of these groups, the Isongo-furo. Throughout the mid- to late-nineties, Jonathan controlled Ogbolomabiri through the Isongo-furo group, which ruled through violence and

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<sup>23</sup> “Two seriously injured, 53 arrested over clashes in Nigeria,” *Agence France-Presse*, March 12, 2003.

<sup>24</sup> Ahmed Oyerinde, “No One Died in Party Clash – Police,” *This Day*, March 8, 2003.

<sup>25</sup> Nembe town consists of Ogbolomabiri and Bassambiri, two neighboring islands in the Bayelsa creeks separated in some places by not more than 25 meters. The Nembe are a clan or kingdom of the Ijaw ethnic group, the majority ethnic group in Bayelsa State. While the people of Ogbolomabiri consider themselves as the center of the Nembe clan and therefore call their island Nembe, many outsiders consider Ogbolomabiri and Bassambiri to be parts of the joined town of Nembe. For this reason and to avoid confusion with Nembe local government area or the wider Nembe kingdom, this report uses the designation “Ogbolomabiri” to refer to the island.

<sup>26</sup> Ijaw Council for Human Rights (ICHR), *Ballots of Blood: Report of the July 2002 People’s Democratic Party (PDP) Primaries in Bayelsa State, Nigeria*, August 2002.

<sup>27</sup> See Human Rights Watch, “The Niger Delta: No Democratic Dividend,” A Human Rights Watch Report, vol. 14, no. 7 (A), October 2002; Human Rights Watch, *The Price of Oil: Corporate Responsibility and Human Rights Violations in Nigeria’s Oil-Producing Communities* (New York: Human Rights Watch, 1999).

<sup>28</sup> Historically, violent conflict has occurred between the neighboring areas of Ogbolomabiri and Bassambiri, who, among other things, have competed for the seat of Nembe local government area (LGA).

intimidation. According to testimonies of local residents, the Isongo-furo had openly displayed arms when they were in control of the town.

Because Lionel Jonathan had proven his political control of Ogbolomabiri in the 1999 elections, Governor Alamiyeseigha brought him into the state PDP government as a commissioner.<sup>29</sup> Jonathan's Isongo-furo continued to control Ogbolomabiri until they were finally chased out in May 2000 by a rival youth group, the Isenasawo (also known as the Teme), which was supported by most of the local chiefs. Isenasawo's principal patron was Chief Nimi B.P. Barigha-Amange, legal advisor to the Ogbolomabiri Chiefs' Council and a prominent member of the PDP since 1999, when he managed President Obasanjo's campaign in Bayelsa.<sup>30</sup> In the May 2000 conflict, at least two Isongo-furo members were killed and dozens of others were detained in Ogbolomabiri and beaten by the Isenasawo.<sup>31</sup> Other members of Isongo-furo escaped to the cities of Port Harcourt and Yenagoa; some were lodged in Government House (the state governor's office) while others stayed in hotels at the expense of Bayelsa politicians who were members of Isongo-furo and supporters of Governor Alamiyeseigha.<sup>32</sup> Isenasawo effectively banned members of Isongo-furo, including Lionel Jonathan, from returning to Ogbolomabiri.

Although they were at first greeted as liberators of Ogbolomabiri, according to some accounts the Isenasawo adopted some of the harsh tactics of the Isongo-furo as well,<sup>33</sup> and violence erupted between competing factions of the Isenasawo.<sup>34</sup> With pressure from the state government, the community eventually agreed to allow the Isongo-furo members back into Ogbolomabiri. But events in Ogbolomabiri at the PDP local primaries in July 2002 showed the instability of the truce that had been reached.

#### "*Coup*"

On July 5, 2002, local primaries for the PDP were scheduled to take place in Nembe LGA. At that time, both Chief Lionel Jonathan and Chief Barigha-Amange were PDP members. Jonathan was eager to secure Ogbolomabiri for Governor Alamiyeseigha and his supporters, while PDP members in the opposing faction wanted to prevent the state government from imposing its own candidates. Some Ogbolomabiri residents reported that leaders of the anti-governor faction in Ogbolomabiri had decided that the community would boycott the primary because they believed that regardless of the outcome on the ballots, the election results would inevitably be determined by the state governor.

On the morning of July 5, the election materials for Nembe arrived in Bassambiri, reportedly brought by a helicopter owned by one of the locally-operating oil companies and delivered at Catering Resthouse, a slightly isolated location in Bassambiri. Around twenty-five members of Chief Amange's faction were sent across the small waterway to Bassambiri to collect the ballot papers intended for Ogbolomabiri. (According to one member of Chief Amange's faction, the group intended only to observe the process that was followed.<sup>35</sup>) The group included the local PDP chairman and several Isenasawo members.<sup>36</sup>

Residents reported that Lionel Jonathan had been present in Ogbolomabiri in the course of the same morning and had a confrontation with the Chiefs' Council at a community center where the chiefs and Ogbolomabiri residents had gathered. According to one eyewitness, Lionel Jonathan was asked to respond to accusations that he

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<sup>29</sup> Lionel Jonathan secured 100 percent of the votes of Ogbolomabiri for the All People's Party (APP, which later became the ANPP) in 1999, as its candidate for deputy governor. Dimieari Von Kemedi, *Oil on Troubled Waters*, Working Paper, Berkeley Workshop on Environmental Politics, University of California, Berkeley, 2002.

<sup>30</sup> After the state PDP primaries in December 2002, which returned Alamiyeseigha for governor, Chief Amange became a Senate candidate under the banner of the ANPP. Until August 2002 he had been chairman of the Niger Delta Basin and Rural Development Authority, which is responsible for administering water-related development in the delta region.

<sup>31</sup> Human Rights Watch interview, Port Harcourt, February 2003.

<sup>32</sup> Ibid; Human Rights Watch interviews, Port Harcourt and Nembe, February 2003.

<sup>33</sup> Human Rights Watch interview, Port Harcourt, February 16, 2003; Kemedi, *Oil on Troubled Waters*;

<sup>34</sup> Kemedi, *Oil on Troubled Waters*.

<sup>35</sup> Human Rights Watch interview, Nembe, February 15, 2003.

<sup>36</sup> Human Rights Watch interviews, Nembe, February 14-15, 2003.



was planning an attack on the town that day, and Jonathan responded that he owed no respect to the Council and that there would be “war” that day. A thirty-one year old young man named Erefegha Fredrick Sata-Owugha intervened and told Jonathan he should speak more respectfully to the chiefs, according to the same witness.<sup>37</sup> Early the next morning, Sata-Owugha was pulled out of his home by members of Isongo-furo and shot; he later died in the hospital.<sup>38</sup>

Around mid-day on July 5, after the group from Ogbolomabiri had arrived in Bassambiri to collect the election materials, Ogbolomabiri residents reported that they heard gunshots, and the group that had gone to collect the materials made quick calls back to Ogbolomabiri to report that they had come under attack, with broken bottles and sticks. They were told to return to Ogbolomabiri as quickly as possible. One young man, a speedboat driver who was in the group sent from Ogbolomabiri to Bassambiri, reported that some youths from Bassambiri started beating them, and that most of the group, which was unarmed and not prepared for attack, ran off. A friend from Bassambiri helped him escape across the water in a speedboat, back to the jetty on the Ogbolomabiri side.

I was trying to reach Chief Amange’s place to see if the other boys had made it back. When I reached his place I saw Isongo-furo, so I ran into a nearby house. The women in there were wives of Isongo-furo, so I ran out again. They saw me and pursued me back to the waterside; I jumped into the water and swam under the toilets. [Community toilets are built on a wooden frame out over the edge of the water in Ogbolomabiri.] I stayed there about two hours, but was getting tired so I decided to swim over to Okipiri, [a third island near Ogbolomabiri and Bassambiri]. As I was about to touch ground, a boat came up with about four Isongo-furo. I knew two of them. The others I knew were Isongo-furo, too, because they had red cloth tied around their head, which [people believe] should make them bulletproof. They’d followed me across in a speedboat. They asked me to get into their speedboat, and said that I would never drive one again. They cut off my left arm and it fell into the water. They cut my right arm too but it didn’t come off. They carried me back to Ogbolomabiri in the boat, while they were threatening to kill me. I fainted soon after that. The next time I woke up, there were different Isongo-furo people there, and they took me to a clinic in Bassambiri. The next morning my own people took me to a hospital in Port Harcourt, where I stayed a month.<sup>39</sup>

Because the Isongo-furo and Isenasawo are both from Ogbolomabiri, it was not uncommon that close relatives might be members of competing groups, which might explain why the young man was taken to the hospital by some members of Isongo-furo, even though he was in the opposing group. Members of Isongo-furo might make pleas to the Isongo-furo leadership, on behalf of their own family or friends, to allow them to escape, as reportedly happened in the case of Sata-Owugha, the young man who was killed by Isongo-furo after confronting Lionel Jonathan. A family member told Human Rights Watch that Sata-Owugha’s uncle, a member of Isongo-furo, had gotten permission from Lionel Jonathan himself to take Sata-Owugha to the hospital in Yenagoa, and that after he died, they had again gotten permission from Jonathan to bury the body in Ogbolomabiri.<sup>40</sup> These cases highlight the tragedy of a town, and even families, torn violently down the middle by political factions that have no ideological difference. One older man whose nephew was killed in the fighting told us, “I wasn’t that disturbed by his death because he was Isongo-furo.”<sup>41</sup>

The first cousin of a seventeen-year-old boy, Tepe Michael, reported that Tepe, a member or follower of Isenasawo, was killed by a stray bullet in Bassambiri on July 5.<sup>42</sup> Though fighting first broke out in Bassambiri, the main fighting that day occurred in Ogbolomabiri. Taken unawares, the residents of Ogbolomabiri first thought that they were under attack by Bassambiri youths, but later concluded that just a small number of

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<sup>37</sup> Human Rights Watch interview, Nembe, February 14, 2003.

<sup>38</sup> Human Rights Watch interview with family member of Sata-Owugha, Nembe, February 14, 2003.

<sup>39</sup> Human Rights Watch interview, Nembe, February 14, 2003.

<sup>40</sup> Human Rights Watch interview with family member of Sata-Owugha, Nembe, February 14, 2003.

<sup>41</sup> Human Rights Watch interview, Port Harcourt, February 15, 2003.

<sup>42</sup> Human Rights Watch Interview, Nembe, February 15, 2003.

Bassambiri youths had joined forces with the Isongo-furo for the initial attack in Bassambiri. According to the current president of the Isenasawo youth, the Isongo-furo were the main attacking force, and succeeded in taking over the town on July 5.

We didn't know what to do. We saw boys with guns and asked them what was happening. At first they didn't answer, they just ran away from us. But soon we heard gunshots from inside our town; that's when we decided the Isongo-furo and Bassambari boys had conspired to fight us. They killed three people from our organization, Isenasawo, that day: Afonbara Owugha, Opu [Daumonabo], and Ayebaye Aaron. There was a wake-keeping that day [unrelated to this crisis], and people had come from all over; several of them were also killed. The Isongo-furo had hired men with them, too; they would just kill anyone that didn't have their sign. They had a kind of identity card, and red cloth tied around their foreheads and arms.<sup>43</sup>

The man who had been holding the wake-keeping in Ogbolomabiri on July 5 reported that Blessing Ebiteinye, a young woman from his mother's village, was visiting for the funeral and was killed.<sup>44</sup> In a submission to the State Security Services on July 14, 2002, Chief Amange identified nine people among his "strong supporters" who had been confirmed dead.<sup>45</sup>

It is unclear to what extent the Isenasawo participated actively in the violence before finally retreating. A group of the Isenasawo escaped on foot, sent at least two of their group members with bullet wounds to get first aid in nearby villages, and with the help of Chief Amange eventually regrouped the next afternoon in the town of Odiema.<sup>46</sup>

The role played by the police in the violence on July 5 was unclear. Several witnesses reported that around forty-five or fifty mobile police had been sent to Nembe especially for the primary;<sup>47</sup> one witness stated that they were in the company of Lionel Jonathan on the morning of July 5.<sup>48</sup> Some reported that the mobile police, including one who was from the Nembe area, fought alongside the Isongo-furo, while another witness reported seeing them in boats, shooting into the air. Whether or not the mobile police actually participated in the violence, witnesses agreed that they did not contain it. All witnesses also agreed that the regular police of Nembe remained out of sight during the violence. The fighting died down only when the Isenasawo had abandoned the area and other residents were hiding in their homes or had escaped.

### *"Countercoup"*

According to accounts from Isenasawo members, the Isenasawo regrouped and made plans to reenter Ogbolomabiri town on July 20, 2002. The fighting on that day lasted around three and a half hours, and in the end the Isenasawo succeeded in chasing out the Isongo-furo.<sup>49</sup> Although there were few neutral witnesses of the events of July 20 to be found in Ogbolomabiri, one witness reported the Isenasawo were fighting with guns and rifles. Given the previous firepower they claimed to have faced from the Isongo-furo and the relatively easy flow of weapons in the Niger delta area, even those sympathetic to the Isenasawo acknowledged it was extremely unlikely they would have entered Ogbolomabiri and successfully chased out the Isongo-furo had they not been adequately armed. (The Isenasawo claim to have first entered the town with knives, cutlasses and sticks, but then

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<sup>43</sup> Human Rights Watch interview, Nembe, February 14, 2003.

<sup>44</sup> Human Rights Watch interview, Port Harcourt, February 15, 2003.

<sup>45</sup> In addition to Sata-Owugha and the three victims named by the Isenasawo youth leader, they are Rufus Ekperi, Nimibo Ekperi, Nengimote Iriakuma, Blessing Azibaole, and Otonye Daniel. Letter from Chief Nimi B.P. Barigha-Amange to the Director General, State Security Services, July 14, 2002.

<sup>46</sup> Human Rights Watch interview, Nembe, February 14, 2003.

<sup>47</sup> Mobile Police, also known as MOPOL, are a branch of the federal police specially trained for containing riots or other large-scale conflict; as their name implies, they have no permanent station and are generally sent to deal with crises as they arise.

<sup>48</sup> Human Rights Watch interviews, Nembe and Port Harcourt, February 14-15, 2003.

<sup>49</sup> Human Rights Watch interview, Nembe, February 14, 2003.

to have seized some guns, rifles and ammunition from the Isongo-furo once the fighting had begun. They also claim that, after the fighting, they turned these guns over to the police.)<sup>50</sup>

According to the ICHR report, based on a visit to Ogbolomabiri shortly after these events, about thirty people were killed in the reprisal attack of July 20.<sup>51</sup> A leader of Isenasawo reported that two members of Isenasawo and at least four of its supporters were killed on July 20,<sup>52</sup> and it is likely that many more deaths occurred on the side of the Isongo-furo. A former member of Isongo-furo claimed that at least seventeen members of Isongo-furo, and between thirty and fifty total, were killed on July 20. He also said that Isenasawo had warned the town by letter, in advance of the July 20 attack, that anyone found in the town would be considered a supporter of Isongo-furo. This warning could explain why many people had fled the town by July 20.

### *Ogbolomabiri since July 2002*

Human Rights Watch researchers visited Ogbolomabiri in February 2003 but were unable to speak with any representatives of the Isongo-furo there because the youth group had been effectively banned from returning to the community.<sup>53</sup> Virtually all the Ogbolomabiri residents we spoke with in Ogbolomabiri or Port Harcourt reported that they had fled the area either when the fighting began on July 5 or in the days immediately following, with the exception of one young woman who told us that her entire family had fled and she would have, too, had she had the means.<sup>54</sup> Though many residents returned after July 20, the town is still less populated than it once was.<sup>55</sup> The Isenasawo were in full control of the town when we visited. They claimed, and a representative of the Chiefs' Council agreed, that they had turned over management of the relationship with oil companies to the Chiefs' Council, where it had traditionally been until the early 1990s.<sup>56</sup>

After July 5, Governor Alamiyeseigha and the Commissioner of Police in Bayelsa State denied that any violence had occurred at the primary in Nembe; it was only after the ICHR report documenting the violence was released in August 2002 that the governor finally acknowledged that there had been a crisis in Nembe.<sup>57</sup> Approximately thirty young men, some of whom were suspected of being members of Isongo-furo, were arrested by police in Yenagoa and taken to Abuja after July 20. But despite the fact that some eyewitnesses were brought to Abuja and positively identified a small number of them as having participated in the violence in July, all were soon released, and by February 2003, none had been prosecuted.<sup>58</sup> Both Lionel Jonathan and Chief Amange were reportedly questioned by police about their role in the events, but neither of them was criminally charged. However, Lionel Jonathan was removed from his position as Commissioner for Environment in Bayelsa, and Chief Amange lost his federal appointment as chairman of the Niger Delta Basin and Rural Development Authority.

A former member of Isongo-furo reported that after being confronted by Lionel Jonathan in November 2002 for attempting to convince some other members to leave the group as well, he was beaten by members of Isongo-furo.<sup>59</sup>

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<sup>50</sup> Human Rights Watch interview, Nembe, February 14, 2003.

<sup>51</sup> ICHR, *Ballots of Blood*.

<sup>52</sup> These included Tipu Michah, Aje Koroboh, Godwin Obuerigha, and Ebieme Ogbuah. Human Rights Watch interview, Nembe, February 14, 2003. Note: The name Tipu Michah is similar to Tepe Michael, who was reported by his relative as killed on July 5, as discussed above. It is unknown to Human Rights Watch whether this is a coincidence of similar/same names, or whether one of the reports was false or mistaken as to the date.

<sup>53</sup> While the Isenasawo leaders acknowledged that they would prevent any Isongo-furo from returning, they claimed that relatives of Isongo-furo were allowed to stay in the town in peace. Everyone with whom we spoke in Ogbolomabiri was a member of Isenasawo or claimed to be either sympathetic to Chief Amange and the Isenasawo or neutral. Human Rights Watch interviews, Nembe, February 14-15, 2003.

<sup>54</sup> Human Rights Watch interviews, Nembe, February 14-15, 2003.

<sup>55</sup> Human Rights Watch interviews, Nembe and Port Harcourt, February 14-16, 2003.

<sup>56</sup> Human Rights Watch interview with Chief Afa Natebo, Vice Chairman, Nembe Chiefs' Council, Nembe, February 15, 2003; Kimedi, *Oil on Troubled Waters*.

<sup>57</sup> Human Rights Watch interview with staff of ICHR and others, Port Harcourt, February 13, 2003.

<sup>58</sup> Human Rights Watch interviews, Nembe and Port Harcourt, February 14-16, 2003.

<sup>59</sup> Human Rights Watch interview, Port Harcourt, February 16, 2003.

In February 2003, the atmosphere in Ogbolomabiri remained tense. Residents fear that the governor cannot win a fair vote and that he or his supporters might attempt to use force again to secure the votes of Ogbolomabiri at the general election. Members of Isongo-furo have not been allowed back into Ogbolomabiri despite renewed initiatives by more neutral members of the community to bring about peace,<sup>60</sup> and rumors of impending attacks by the Isongo-furo or other forces sympathetic to Governor Alamiyeseigha continue to circulate.

***b. Ogu/Bolo local government, Rivers State: inter-party communal conflict***

On August 6, 2002, about one month before the national voter registration process was due to begin, fighting broke out between the ANPP<sup>61</sup> and PDP factions in Ogu, the headquarters of Ogu/Bolo local government area, during a personnel audit of the local government's staff. At least one person was reported killed, several people were injured, and significant property was destroyed. Hundreds and perhaps thousands of members of the ANPP and other residents fled Ogu, some of them moving into sites for groups of displaced persons in the state capital, Port Harcourt. Since that date, there have been several killings linked to the political conflict between the two parties, and political opponents of the PDP are still unwilling to return home.

On March 5, 2003, Marshall Harry, national vice chairman of the ANPP for the South-South zone, was assassinated in Abuja.<sup>62</sup> Although those responsible for the killing have not yet been identified, the case called attention to the violent nature of conflict in Rivers State between Governor Peter Odili of the PDP and his opponents. Marshall Harry, a Rivers State politician, had been a major critic of Governor Odili's administration. According to southern-based non-governmental organizations, there have been frequent bouts of political violence and intimidation in Rivers State over the last year or more, as Governor Odili has attempted to consolidate his power.

***Background***

Ogu/Bolo local government area (LGA), along with Okrika LGA, is the home of the Okrika ethnic group. Since the 1999 elections, both LGAs have been sharply divided between the PDP, which is the party of Governor Peter Odili, and the ANPP. Chief Rufus Ada George, a former governor of Rivers State in the early 1990s and one of the most prominent political figures in the Okrika area, supported the ANPP in 1999 when the party won the chairmanships and majority of council seats in both local governments. Two senior officials in Governor Peter Odili's PDP administration also hail from Okrika and have represented PDP interests there, countering the strong influence of Chief Ada George: George Sekibo in Ogu/Bolo, who until recently was the Governor's Special Advisor on Projects; and Secretary to the State Government Abie Sekibo in Okrika LGA. Although Human Rights Watch did not investigate recent events in Okrika LGA, a similar conflict prevails there between the PDP and ANPP and has led to many deaths. The political dimension of rivalry in Ogu/Bolo is a new manifestation of an old division that began with a chieftaincy dispute in the early 1990s between the king and the majority of members of the chiefs' council, the traditional authorities in the area. While the dispute did not cause a violent crisis for many years, the split eventually became the party fault line in the 1999 elections, in which Mina Tende of the ANPP became the chairman of Ogu/Bolo local government. After Mina Tende took office, his party continually complained about threats and harassment suffered by the community at the hands of the "Agaba Boys," a group of youths sponsored by George Sekibo.<sup>63</sup> On the other side, PDP supporters claimed that the King and his supporters in the ANPP used "Palace Boys," also known as "Vigilante Boys," to impose their will on the community.<sup>64</sup>

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<sup>60</sup> Ibid.

<sup>61</sup> The ANPP was formerly known as the All People's Party (APP) but was renamed after a factional split. This section will use the ANPP abbreviation throughout to avoid confusion.

<sup>62</sup> See section below, *IV. Political Assassinations*.

<sup>63</sup> Human Rights Watch interviews, Port Harcourt, February 10-13, 2003.

<sup>64</sup> Human Rights Watch interviews, Port Harcourt, February 12 & 16, 2003.

On April 26, 2001, fighting broke out within Ogu between ANPP and PDP supporters; Lambert Saturday Dagogo, an adviser to Mina Tende, was shot dead, and property was looted and destroyed.<sup>65</sup> The PDP said the violence was initiated by Mina Tende and his supporters, whom they accused of killing a PDP supporter on April 25, and that they and their supporters suffered overwhelming damage to their properties on April 26.<sup>66</sup> The ANPP faction, on the other hand, blamed the fighting on the PDP, saying the violence was orchestrated in order to discredit Mina Tende's administration and to justify his suspension and imposition of a state of emergency in the LGA.<sup>67</sup> In the event, Tende was suspended on May 10, 2001, by resolution of the Rivers State House of Assembly over the protest of the local council.<sup>68</sup> The resolution also directed the Governor to suspend George Sekibo until the Committee had concluded its investigation. Shortly thereafter, Governor Odili appointed Frederick Anga as chairman of the Ogu/Bolo local council.

The fight for political power in Ogu/Bolo, as in many places across Nigeria, is linked to the power to dispense jobs and other favors to one's supporters. Soon after taking office, Frederick Anga initiated an investigation into the payment of local government staff salaries by Mina Tende's administration, accusing Tende of making payments to some supporters who were not on the staff. Anga suspended payment of some of the salaries, and many civil servants complained that he was using this as an excuse to fire ANPP supporters and replace them with his own supporters.<sup>69</sup> On August 6, 2002, the investigating panel had scheduled a personnel audit, requiring salary recipients to present themselves at the headquarters in order to verify whether they were really civil servants. This was the context for the violence that broke out in Ogu that day.

#### *August 6, 2002, Crisis and Subsequent Killings*

According to a chief in the community, the fighting on August 6, 2002, began at about 4:30 p.m. when one of the Agaba boys attacked Egerebipi Evans, a local government staff worker and ANPP sympathizer who was undergoing the audit. According to this witness, Evans was beaten with broken bottles while the entire staff including Anga looked on.<sup>70</sup>

The conflict escalated to the whole community. I reported to the Ogu Police Station because I was afraid it would continue to escalate. The Agaba boys had taken up different posts in the town, and youths sympathizing with each side were already looking for each other. I came into town with seven police officers; they called for reinforcements and about five more arrived around 6:45 p.m. By then the Agaba boys had already struck, attacking [ANPP] sympathizers and supporters of the King. The Agaba boys had AK-45s, G-3 pump actions, and local pistols. The other side initially defended themselves, but then ran away. At about 8 p.m., the police had driven the two sides apart. We used a local media system to urge the sides to stop fighting. At about 3:45 a.m., the Agaba boys started creeping closer to the park in the center of town, where I was with about fifteen police officers and three trooper vans. When the shooting became serious we all went into the troopers.... At about 5:45 a.m. on August 7, the Agaba boys set fire to two homes [including the home of the deputy chair of the ANPP in the local government.] On seeing the flames, a police officer led the troops to town and put out the flames.... At 8:40 a.m., we drove the troopers back into town, but in the meantime the Agaba boys had looted and demolished houses and vehicles. The town by then was like a ghost town; thousands of sympathizers of the ANPP and King had fled.... On the morning of August 8, Anga's deputy chairman asked me to leave town because I was hindering their efforts to resolve the situation;

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<sup>65</sup> Letter from Chief Bapakaye J.I. Oraber, Public Relations Officer, Ogu/Bolo Local Government Area, to Governor Peter Odili, May 12, 2001.

<sup>66</sup> Human Rights Watch interview, George Sekibo, former Special Adviser to Governor on Projects, Port Harcourt, February 16, 2003. The deceased victim was Francis Iwaritaribi.

<sup>67</sup> Human Rights Watch interviews, Port Harcourt, February 12, 16, 2003.

<sup>68</sup> Rivers State House of Assembly, House Resolution: Crisis in Ogu, Ogu/Bolo Local Government Area, Ref. RVHA/ADM/36/367, May 10, 2001.

<sup>69</sup> Human Rights Watch interview, Tom Godwill Abaka, Vice Chair, Ogu/Bolo branch of National Union of Local Government Workers, Port Harcourt, February 10, 2003.

<sup>70</sup> Human Rights Watch interview, Port Harcourt, February 10, 2003.

they threatened to kill me if I didn't leave. The police were right there, too. The police told me to leave to avoid problems, even though they didn't agree.... So I took a taxi out of town; but three of [George] Sekibo's bodyguards started to chase me. When my taxi stopped to drop someone in Eleme [a neighboring local government area], they grabbed my collar and tried to pull me out of the car, displaying a gun. So I ran out the other side of the car and into the crowd, and to a nearby police station.<sup>71</sup>

A member of the UNPP who fled Ogu on August 6 reported:

I was at home at about 6:45pm when I heard gunshots. I came out of my house, saw people destroying buildings and cars. I went to my car and all the windows were broken. I drove the car to the local police headquarters, parked it, and went into an open sandfield in town. All the young men in our party were gathered here. At about 7 p.m. some police came and called me, Frederick Anga, and Fidelis Opiyo, a leader of the Agaba boys. He advised us all to go home. I went home, but at about 4 or 5 a.m., I heard gunshots again. I ran for my life to the water and got a speed boat which we used to convey our people to the Federal Ocean Terminal (FOT); we had to go back and forth several times.... About seven people sustained bullet injuries.<sup>72</sup>

Among the injured were Caleb Sika, an aspirant for a position on the local government council, who was shot in the leg, and Iwarisimama Caleb, whose head was grazed by bullets.<sup>73</sup> Another UNPP member and councillorship aspirant reported:

On August 6, there was an audit where staff employed by the former chairman were being threatened with sacking by the current chairman.... The opportunity was used to attack the non-PDP members in the council premises and chase them away. I wasn't there but my house is on the road to the council. I saw people running, and I saw Agaba boys whom I recognize chasing them. They were holding rifles and matchets [machetes]. I ran out of my house. A half-brother of George Sekibo shot at me, but the bullet missed me. I ran to the sandfill where others were gathering, a group including women and children. We had decided the solution was to flee. Police were mixing with the Agaba boys and shooting at us. So we had to flee the community. I slept at the waterside and the next morning I left. I had given my wife money and put her and other women in my family on a boat the night before.<sup>74</sup>

That night, a two-year-old girl, Dorcas Sam Idadokima, was shot dead, reportedly in the crossfire of Agaba boys shooting toward non-PDP members who were running to or had gathered at the waterfront, preparing to escape the town. Dorcas' family had fled to Ogu some time before, after being displaced by violence in Okrika local government, a telling sign of the violence that has plagued this area of Rivers State.<sup>75</sup>

Human Rights Watch visited two sites set up in Port Harcourt for displaced persons from Ogu; each was still hosting hundreds of people in February 2003. These sites were not set up by the government but rather were supported by private individuals. One was set up through Chief Ada George in the Rivers State UNPP headquarters and the other was at the premises of a church. We were unable to confirm the claim by ANPP and UNPP members from Ogu that tens of thousands of persons had been displaced. Some of the people we spoke with reported they had lost their means of livelihood and had received no support from the state or federal government.<sup>76</sup>

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<sup>71</sup> Ibid.

<sup>72</sup> Human Rights Watch interview at displaced persons' site, Port Harcourt, February 10, 2003.

<sup>73</sup> Human Rights Watch interview, Port Harcourt, February 12, 2003.

<sup>74</sup> Human Rights Watch interview in displaced camp, Port Harcourt, February 10, 2003.

<sup>75</sup> Human Rights Watch interviews, Port Harcourt, February 10 & 12, 2003.

<sup>76</sup> Human Rights Watch interviews, Port Harcourt, February 10, 2003.

Some of the former ANPP supporters have moved with Chief Ada George into the UNPP. They claimed that the PDP in Ogu continues to threaten all non-PDP supporters who return to Ogu. Nonetheless, women from the community have returned to Ogu on several market days to assess the level of tension in Ogu.<sup>77</sup> A leader at one of the sites for displaced persons explained, “more than seven times [since August 6] we’ve sent women to market. Each times they’re molested, their things are taken, their clothes are torn, or they’re beaten [by Agaba boys].”<sup>78</sup> A twenty-seven-year-old woman at the same site explained that, several weeks after fleeing Ogu on August 6, she and five other women had wanted to return to Ogu to check on their property in the market. “The Agaba boys sent their girlfriends to apprehend us or chase us away. They took one of us away and a group of them raped her. Both the men and women beat the rest of us. I recognized by name and face several of the boys who attacked us. I suffered bruises and some pain.”<sup>79</sup> Both she and her husband were UNPP members, and her husband had wanted to run for a councillorship position in Ogu/Bolo.<sup>80</sup> Several of the displaced UNPP members staying at the UNPP headquarters in Port Harcourt reported that they felt unable to go into town even in Port Harcourt because they had been threatened there by thugs from the Okrika area supporting the PDP.<sup>81</sup>

Since August 6, at least two men from Ogu/Bolo have been killed or disappeared in circumstances credibly linked to the political conflict there. Abiebuari Milton Iruenabere, who was a security officer in Mina Tende’s local government administration, was abducted from the fishing village of Owuogono, near Ogu, on October 29, 2002. He had left Ogu before the August 6 crisis in order to fish in Owuogono because he was no longer receiving his salary; his wife Jane remained in Ogu until August 7 when she also ran away and joined him in Owuogono.<sup>82</sup> She said that at about 10 a.m. on the morning of October 29, a group of people whom she recognized by name and face as Agaba boys arrived by speedboat in Owuogono. “My husband ran out of our house to hide, but one boy who lived in the fishing port showed the Agaba boys where he was hiding. He asked what he had done, and they just said they were looking for him. They took him into the boat.” Later the same day, family members who had been alerted to his abduction came and saw him in an assembly hall in Ogu, where a “mock court session” was held in which he was sentenced to death.<sup>83</sup> He was then taken out in a boat and has never been seen again. The family reported the event to the Ogu police station, the Bori Area Police Command, and the State Criminal Investigation Bureau. Within a few weeks they learned that several people were arrested in the case, including Frederick Anga’s younger brother, Promise Anga. They were all released soon thereafter. Promise Anga was later rearrested, although Iruenabere’s associates believed Promise Anga was unconnected with the case and was being pursued because the police were unable or unwilling to apprehend Frederick Anga. The state attempted to charge Promise Anga to court on February 10, 2003, but he was reportedly released through the intervention of a prominent local ANPP member who tracked the criminal case on behalf of Iruenabere’s family and associates.<sup>84</sup>

William Nimenibo, who had also been a civil servant under Mina Tende’s local government administration, was killed on December 10, 2002. He was living in the fishing village of Ikpoama, also in Ogu/Bolo, when he was abducted. His father said that a family relation saw Agaba boys, whom she recognized by name and face, take William into the boat and attack him with machetes. She said there were many witnesses but everyone was too afraid to do or say anything about it. He was then taken in the boat to an unknown destination and his body has never been found. His father, who believed William was targeted because of the father’s position as deputy chair of the ANPP in Ogu/Bolo, was too afraid to go to Ogu/Bolo to report the matter to police there. “I know I can’t go to Ogu/Bolo, so I reported it to police in Port Harcourt, but they said they can’t take my report, I have to go to Ogu/Bolo. So I sent my wife to report it at Bori Area Police Command [a station in a different local government with supervisory jurisdiction over Ogu/Bolo], since I had been advised not to go myself. They also

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<sup>77</sup> Ibid.

<sup>78</sup> Ibid.

<sup>79</sup> Human Rights Watch interview, Port Harcourt, February 10, 2003.

<sup>80</sup> Ibid.

<sup>81</sup> Ibid.

<sup>82</sup> Human Rights Watch interviews with family members of Abiebuari Milton Iruenabere, Port Harcourt, February 12, 2003.

<sup>83</sup> Human Rights Watch interviews with family members of Iruenabere; written petition from brothers of Iruenabere to the Commissioner of Police, Rivers State, November 4, 2002.

<sup>84</sup> Human Rights Watch interview, Port Harcourt, February 12, 2003.

said we had to go to Ogu. So I just wrote a petition to the Commissioner of Police and copied the other authorities. The petitions were sent, but the government has done nothing.”<sup>85</sup>

A twenty-five-year-old man, Solomon J. Sierah, also disappeared on December 28, 2002, on his way to a family reunion in Okrika. His father was a clergyman who had taken in some of the displaced non-PDP people from Ogu after August 6. The friend with whom Solomon was traveling when he disappeared reported to the family that the two of them had met up with Ateke Tom, the leader of the “Ateke boys,” a group connected to the Agaba boys that supports the PDP in both Ogu/Bolo and Okrika LGAs. Some of Ateke Tom’s associates reportedly drove off in a vehicle with Solomon, and he has never been seen or heard from again. Although he claimed Solomon was not politically active, a family member believed Solomon was targeted because the father had agreed to accommodate displaced non-PDP members at his church in Port Harcourt. In addition, the father’s church and residence in Ogu were reportedly destroyed in August 2002.<sup>86</sup>

Local representatives of the ANPP and UNPP with whom we spoke believed that the violence on August 6 was orchestrated in order to prevent non-PDP supporters from registering to vote in September. Most of the non-PDP members displaced from Ogu reported that they were indeed unable to register in September 2002 or January 2003 to vote in Ogu/Bolo LGA. Although some of them had registered in Port Harcourt LGA, this would not enable them to vote for their representatives in the State House of Assembly or the federal House of Representatives, and eventually for their local government representatives. They submitted a petition to the Resident Electoral Commissioner in Port Harcourt, who reportedly promised that their registration would be transferable to Ogu/Bolo. But it remained unclear how this would occur or, even if the registration was transferred, whether they would be able to return to Ogu/Bolo in April in order to vote.

Human Rights Watch spoke with an ANPP member and resident of Wakama-ama, another town in Ogu/Bolo local government. He reported that the ten-day voter registration in Wakama-ama was disrupted on September 13 by young men parading through town, firing rifles into the air, and shouting “PDP! Power to the People!”<sup>87</sup> He said that a similar operation was carried out by the Agaba boys on September 14, and that many non-PDP members did not register because they were intimidated. He also reported that on September 18, three members of the PDP were killed in Wakama-ama, and a fourth was severely beaten.<sup>88</sup> Although he claimed they were killed by other PDP members while being initiated into a local cult, a member of the ANPP was reportedly arrested in connection with the killings.<sup>89</sup>

#### *Attacks in Ogoni and on Ogoni activists*

In the Ogoni area of Rivers State, which encompasses four local government areas (Tai, Eleme, Khana, and Gokana), a local human rights organization reported that there were frequent political clashes. Violent gangs were directly attached to the chairmen of some of the former local governments or current caretaker committees, including in Gokana and Khana LGAs.<sup>90</sup> In a bye-election in Khana LGA in February 2002 for a State House of Assembly seat, three local non-governmental organizations accredited to observe the election reported that an armed group of youths claiming to be sent by the local government chairman was controlling passage of persons in some areas. A second armed group, opposed to the local government chairman, attacked the observer team, injuring one of the observers and vandalizing their vehicle.<sup>91</sup> The Movement for the Survival of the Ogoni People

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<sup>85</sup> Human Rights Watch interview with father of William Nimenibo, Port Harcourt, February 10, 2003.

<sup>86</sup> Human Rights Watch interview, Port Harcourt, February 10, 2003.

<sup>87</sup> Human Rights Watch interview, Port Harcourt, February 12, 2003. Human Rights Watch was unable to confirm this incident with other witnesses.

<sup>88</sup> The three boys reportedly killed were Arthur Bright George (the son of the PDP’s local chairman); Graham Agokabo and Inidukokaye Christian.

<sup>89</sup> Human Rights Watch interview, Port Harcourt, February 12, 2003.

<sup>90</sup> Human Rights Watch interview with representatives of Movement for the Survival of the Ogoni People (MOSOP), Port Harcourt, December 20, 2002. The caretaker committees were appointed by Governor Odili when the local government council tenures ended on May 29, 2001.

<sup>91</sup> Final Report on the Khana Constituency 2 Bye-Election by the INEC Accredited Monitoring/Observer Team, February 2002; Human Rights Watch interview with representative of MOSOP, Port Harcourt, February 13, 2003.



(MOSOP), a minority rights pressure group, also documented the killing of George N. at the PDP's local government primary in Gokana LGA on July 1, 2002, when police and supporters of the former local government chairman clashed with the opposing faction.<sup>92</sup>

On Saturday, March 22, 2003, an armed group of eight men broke into the home of MOSOP President Ledum Mitee in Port Harcourt.<sup>93</sup> The intruders gathered the seven occupants of the home and demanded to be led to Mitee, who was out of the country at the time but had been scheduled to return the day before this attack. The intruders departed, taking nothing but a cellular telephone and threatening to return. On March 23, police arrested another MOSOP member at the airport, who was on his way to Geneva to attend a session of the United Nations Human Rights Commission. He was detained for four hours and asked why MOSOP had decided to send him out of the country at this time, and what MOSOP hoped to achieve.<sup>94</sup> MOSOP leaders have been outspoken critics of the Rivers State government. Mitee had been interviewed on the radio on March 8, just a few days after the killing of Marshall Harry, criticizing the state government's use of violence.<sup>95</sup>

In another case of violence in Ogoni, Prince Ntah, a young man from Tai local government area, had both of his ankle tendons cut and was severely beaten on June 23, 2002, by supporters of Monday Ngor, a politically influential figure and supporter of Governor Odili. Prince Ntah belonged to a group that was critical of Governor Odili's administration. The group evolved into Salvation 2003, the campaign organization of Sergeant Awuse, who moved from the PDP to the ANPP to challenge Governor Odili in the general elections. Ntah reported:

On the morning of June 23, I was to attend a special thanksgiving service at a church in Nonwa. [The service was organized by supporters of the former council chairman, Barry Mpiigi.] When I arrived, the environment was unfriendly, with broken bottles littering the area. It looked as though there had been a fight earlier. Obviously the event had been cancelled, so I left and went to a friend's place until about mid-day. There were no buses so I decided to get a bike to the motor park. I was stopped by a green 406 model car driven by Monday Ngor. He asked me, "what are you doing here? Didn't you hear I said nobody should go to the church? Odili has said the present council chairman should be supported. Why are you disobeying?" A bus came up, with Ngor's associates. They had matchets, axes, and rocks. He said he would teach me a lesson. He took 25,000 Naira, my shirt, sandals, and cell phone. He opened the boot of his car, took out a matchet, and aimed it at my head. About twenty people were there; they attacked me, they cut the tendons on both of my feet. Eventually they left me for dead.... I was in a clinic in Eleme for a month.... Monday Ngor and his associates know I saw them and am telling people about it, so I still live in fear.<sup>96</sup>

Scars on both of Ntah's ankles were clearly visible, and he walks with a limp. Monday Ngor was arrested in September along with thirteen others. He was released on bail the next day. According to Ntah, Monday Ngor bragged publicly about the attack afterwards, and Ntah continued to receive threatening phone calls in the months after the attack. He has followed the investigation closely and reported there has been no prosecution.<sup>97</sup>

### ***c. Kwara State: Violence and shifting political alliances***

Across Nigeria, politicians have shifted their individual and party alliances with disconcerting regularity. The break-up of "godfather" relationships—where prominent businesspeople or politicians sponsor political candidates—has been a source of violence when a godfather feels that his protégé has not sufficiently served his interests. One of the most striking examples is Kwara State, where Governor Mohammed Lawal has defied his more conservative mentor Olusola Saraki. Although both were members of the ANPP in 1999, Saraki officially moved to the PDP in 2002 and encouraged his supporters to join him. Since then, there has been open hostility

<sup>92</sup> Human Rights Watch interview with representatives of MOSOP, Port Harcourt, December 20, 2002.

<sup>93</sup> See Human Rights Watch news release, "Violence Against Nigerian Political Activist," March 29, 2003.

<sup>94</sup> Ibid.

<sup>95</sup> Human Rights Watch interviews with representatives of MOSOP, London, March 2003.

<sup>96</sup> Human Rights Watch interview, Port Harcourt, February 13, 2003.

<sup>97</sup> Ibid.

between Lawal and Saraki. In the 2003 elections, Lawal will attempt to retain the governorship under the banner of the ANPP, while Saraki's son Bukola Saraki has secured the nomination of the PDP. In this heated contest, both men have surrounded themselves with armed supporters, and there have been several killings and other incidents of violence in the state.

There have been repeated claims by both political camps of politically motivated killings, attempted assassinations or other attacks, and stockpiling of arms; Human Rights Watch has not been able to verify all these claims.<sup>98</sup> A serious spate of violence occurred over a few days in April 2001, when Saraki and Lawal were both still in the same party. According to a report by a national human rights organization, two people were confirmed killed and several others injured in a fight between supporters of the two factions, and many government vehicles were destroyed.<sup>99</sup> On August 15, 2002, around the same time that Saraki and his supporters were moving into the PDP, the state chairman of the PDP, Ahmed Pategi, was killed en route from Ilorin, the Kwara State capital, to Abuja. According to a close friend, he was in a vehicle with a driver and a police orderly when they noticed a car driving erratically, which then stopped in front of them at the bottom of a hill. The driver of the car emerged, shot twelve bullets at Pategi and the police orderly, and ran Pategi over with the automobile; the police orderly was also killed. The friend reported that Pategi had told him he was worried about warnings he had received that he was going to be killed.<sup>100</sup> Parties on both sides of the clash between the Kwara State governor and Saraki claimed that Pategi was a politically ally and that their respective opponents therefore had a motive for the killing.<sup>101</sup> A political motive is plausible in view of the tensions existing at the time within the PDP and between the PDP and ANPP in Kwara. Pategi's driver was arrested and questioned early on, but was released, and no serious progress in the investigation appears to have taken place since then.

In one of the most recent incidents, a motor convoy of Saraki supporters on their way to the initiation of President Obasanjo's campaign in Benue State reported that they came under attack on February 13, 2003; one Saraki supporter was shot dead and at least two others sustained bullet injuries.<sup>102</sup> The government, on the other hand, claimed that the Saraki convoy attacked Lawal supporters gathered at a nearby residence.<sup>103</sup> The police were reportedly looking for five persons in connection with the attack, including the personal assistant to the Governor's Commissioner for Special Duties.<sup>104</sup>

The national secretary of Governor Lawal's party, the ANPP, told Human Rights Watch that the former party leadership had had informal discussions with Lawal on about two or three occasions in advance of the party primaries "asking him to desist from some abusive practices.... If he had continued, we would have shown him no support."<sup>105</sup> Aside from the question of whether Lawal did in fact desist, or whether the ANPP continued to support him, the statement betrays a disturbing lack of serious accountability within political parties, by no means peculiar to the ANPP.

#### *Newspaper office explosion*

On November 15, 2002, an explosion at the office of the *National Pilot*, a weekly newspaper owned by Bukola Saraki, disrupted the busy Friday afternoon production cycle. The building was destroyed; about eighteen

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<sup>98</sup> See for example: "Assassination Plot – Lawal Lied, Says Newspaper Boss," *This Day*, October 10, 2002; Abdul Laro, "Police Deny Alleged Arms Stockpile by Saraki," November 14, 2002; Bell Pottinger Communications, *Assassination Attempt Fuels Fear of Nigerian Election Violence*, February 2003 (press release issued by Saraki's public relations firm); Adewale Olayemi, "The Scramble for Kwara," *The News*, March 4, 2003.

<sup>99</sup> *Report on Ilorin Mayhem*, Civil Liberties Organisation.

<sup>100</sup> Human Rights Watch interview, Ilorin, December 18, 2002.

<sup>101</sup> Human Rights Watch interviews with Bukola Saraki and with Rasaq Lawal, Kwara State Commissioner for Special Duties, Ilorin, December 18, 2002.

<sup>102</sup> The man killed was Pele Musa. Chukwudi Nwabuki, "Survivors of Kwara Shooting Narrate Ordeal," *This Day*, February 17, 2003.

<sup>103</sup> Wale Oladepo, Commissioner for Information, Kwara State, "Saraki and Kwara Political Violence," *This Day*, March 1, 2003.

<sup>104</sup> Abdul Laro, "Kwara Police Declare Five People Wanted," *Daily Trust*, March 3, 2003.

<sup>105</sup> Human Rights Watch interview with Sani Dahir El-Katuzu, National Secretary, ANPP, Abuja, February 19, 2003.

employees were present, and five of them were injured. Approximately one month later, Human Rights Watch visited the site of the explosion. The newspaper office was a one-story residential style structure; there was a crater in the floor where the bomb had exploded just beyond the entryway. A major section of the roof along with sections of walls had been blown off. A severely damaged metal door in the back of the building showed the force of the explosion.

The bombing of the paper was most likely politically motivated; the paper itself was unmistakably politicized as a venue for pro-Saraki propaganda. According to an editor for the paper, staff had received threatening phone calls from an unidentified caller in the weeks leading up to the explosion. Four or five calls were received by one staff member, in which she recognized the same voice asking her to come for a meeting with the caller. In the last call, the voice said, “If you don’t come over, we will kill you. Do you want to die?”<sup>106</sup>

An employee of the newspaper explained how the attack was carried out:

Around midday, a young man came to the office and asked to speak with any editor. I said they were too busy, they couldn’t attend to him today. He was holding a bag. He said he would leave the bag there; he needed to go buy something, but would come back soon. He carried another bag away with him. All of a sudden, I just fell, I thought I had died.... Later, I pushed some blocks of cement away from my head, and I heard others saying I was dead.... I had cuts on my face, my ear, my eye, and my arm. I spent three weeks in the hospital. My eye before had too much blood in it, it was hard to see. Last week they performed an operation to remove a hard fragment from my forehead.<sup>107</sup>

Another employee at the newspaper explained how he was injured:

All of a sudden, I heard a terrible blast.... I looked up to the ceiling, and saw the sky. I climbed up the burglar bars over the wall [the back wall of the structure was still standing] and jumped into the back yard. There were pellets all up and down my left leg, and the left side of my chest was burned. I was bleeding furiously by the time I got to the hospital. They removed the particles, and gave me stitches. Up until now, I’ve had trouble hearing, but they say it will gradually improve. My ears pain me also.... I still have shock problems, I keep thinking about that situation and that moment and I cry.<sup>108</sup>

On November 18, three days after the explosion, the *National Pilot* published a letter allegedly written by Rasaq Lawal, Kwara State Government’s Commissioner for Special Duties. The accompanying news article interpreted the letter as containing a threat to use violence against Saraki supporters, and claimed the bombing was motivated by a desire to halt publication of the article.<sup>109</sup> The state government, on the other hand, claimed the letter was forged and Saraki supporters orchestrated the bombing themselves to discredit the governor.<sup>110</sup>

In this case, which received national media attention, police arrested several people within a week of the explosion, and by the end of December had charged eleven suspects; almost two months later nine of the eleven were released on bail. Human Rights Watch has not been able to determine when or whether their trial will begin.<sup>111</sup> After criticizing the alleged “anti-government” bias of the police, the state government also initiated its

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<sup>106</sup> Human Rights Watch interview, Ilorin, December 17, 2002.

<sup>107</sup> Human Rights Watch interview, Ilorin, December 18, 2002.

<sup>108</sup> Ibid.

<sup>109</sup> “Plot to Kill Prominent Kwarans Uncovered,” *National Pilot*, November 18, 2002; “Why They Bombed National Pilot,” *National Pilot*, November 18, 2002.

<sup>110</sup> Human Rights Watch interview with Rasaq Lawal, Ilorin, December 18, 2002; “Saraki Responsible for Kwara Bomb, Says Lawal,” *This Day*, December 17, 2002.

<sup>111</sup> “Seven held over Ilorin explosion,” *The Guardian*, November 19, 2002; “Bomb Blast – Dan Madamin Ilorin, 10 Others Docked,” *Daily Trust*, December 26, 2002.

own judicial commission of inquiry, which at the beginning of March reportedly had not yet submitted its findings.<sup>112</sup>

#### *Killings at wedding ceremony, September 2002*

Supporters of Governor Lawal disrupted a wedding ceremony in Ilorin in September 2002, killing two people. According to a witness,

About 150 people were present. Many people from the Saraki faction were there. Lawal boys were also among the guests.... I saw a group shouting "Up Lawal," [a slogan often used by supporters of the Governor]. Some of them left at around 3 a.m. They came back at about 4:30 a.m. They had cutlasses and were shouting, "Up Lawal." Two boys pointed at us and said: 'you're in the Saraki faction.' We left at about 4:45 a.m. Outside the gate, we saw people shooting with double-barreled guns. They were wearing long black shirts and black caps. There were about four of them. They brought two buses. One had "Up Lawal" written on it. They shot dead two people: Yekimi Gobiri, aged about thirty, from the Saraki faction, and Gani, aged about twenty-six, who just happened to be at the party. Yekimi was shot in the chest, Gani on the neck. They died on the spot. They were shot from the front. It was continuous shooting. They used all their bullets. Four other people were injured. They were not from the Saraki faction; they were just at the party. One was shot in the side; he was in the hospital for two weeks. I don't know the others. I identified three people from the Lawal faction who had come into the party before.... I couldn't identify who fired the shots. We left the place. We climbed the fence because they had blocked the gate. There were two policemen with our group. We left with them. They said they were not on duty so couldn't intervene.<sup>113</sup>

One of the victims, Yekimi Gobiri, was described by Bukola Saraki as a "party loyalist," not an official, who was used for "protective" functions and praise-singing.<sup>114</sup>

Earlier that same day, the witness reported having seen the same group of Lawal supporters intimidating Saraki's supporters at a building owned by Saraki. "At about 2:30 p.m. they went to Saraki's secretariat. They fired shots and took Saraki's portrait away. They were shooting in the air.... They threatened people and told them to leave. They beat the gateman on his head with a stick. Then they went to the kitchen and beat the women cooking there. They beat one woman with a stick on her leg. Other women ran away.... The attackers were shouting 'Up Lawal'.... It lasted about ten minutes, then they left."<sup>115</sup>

#### *Assault on AD candidate for Kwara State governorship*

Lai Mohammed, the Kwara State governorship candidate for the AD, reported that his convoy was attacked by ANPP supporters in October 2002.<sup>116</sup> Although the incident did not cause any serious injury, the unraveling of events that day shows the bitter spirit that pervades politics in Kwara, as in much of Nigeria. Lai Mohammed had attended a non-political fundraising function in Oke-Onigbin earlier in the day, at which Governor Lawal was also present.

On our way out of town, my convoy was blocked by the ANPP campaign headquarters for Senator Ajadi, who is very close with Governor Lawal. We were blocked right in front of the office, on the main road to Ilorin. The ANPP supporters came to block the road with their bodies; some of them were armed with cutlasses. I had a six-person police escort; the police prevented them from approaching by shooting guns into the air, so they started throwing stones and bottles.

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<sup>112</sup> "Police ignored reports before Ilorin bombing, says Lawal," *The Guardian*, November 20, 2002; "Saraki and Kwara Political Violence," *This Day*, March 1, 2003.

<sup>113</sup> Human Rights Watch interview, Ilorin, December 18, 2002.

<sup>114</sup> Human Rights Watch interview with Bukola Saraki, Ilorin, December 18, 2002.

<sup>115</sup> Human Rights Watch interview, Ilorin, December 18, 2002.

<sup>116</sup> Human Rights Watch interview with Lai Mohammed, Lagos, December 20, 2002.

I was riding in my wife's unmarked car that day. My usual jeep and four other vehicles were damaged, and one lady was hurt by splintering glass hitting her thigh.<sup>117</sup>

At the community fundraising event earlier in the day, Lai Mohammed said he and his own supporters had also been confronted by a group of pro-Lawal supporters.

The governor arrived late, and came in with about ten vehicles, security details and youths; they were shouting 'Up Lawal!' The governor came to greet us, [the other dignitaries,] but there was pandemonium among his supporters, reckless driving through the venue and so on. We were all disgusted, because this was not meant to be a political affair. Later, I went to see off an invited guest who was leaving. When I was walking back from the car park, some of my supporters were following me, drumming and showing the party colors. The governor's people came up and told us to stop. They were at least one hundred people, some of them armed with knives. I appealed to my supporters not to get involved in any fight, but we were still unhappy with the treatment we had received. Then [in his speech] Lawal gave a thinly-veiled threat to me: 'We'll run the small fries out of town'.<sup>118</sup>

#### *d. Enugu State: violence within the state legislature*

In Enugu State, Governor Chimaroke Nnamani and Senator Jim Nwobodo, among others, have been pitted against each other in a contest for political influence, notably in the state legislature. Although Nwobodo was a key supporter of Nnamani's candidacy in 1999, the relationship between the two began to deteriorate after they took office. In advance of the 2003 elections, Senator Nwobodo declared his candidacy for presidency under the banner of the UNPP, and has actively campaigned on behalf of his party to defeat Nnamani's re-election bid in Enugu. The opposition between the two politicians was sharply reflected in the state's House of Assembly,<sup>119</sup> where legislators lined up behind either Governor Nnamani or Senator Nwobodo. The way the political crisis within the Enugu legislature degenerated into actual physical fighting within the state House of Assembly provides a disturbing example of the way violence is used as a political tool in Nigeria. Several other states have also experienced a split between legislators supporting a state governor against those supporting federal politicians based in the state. The faction supporting the federal politician – in this instance, the Nwobodo faction – is sometimes referred to as the "Abuja group" after the federal capital.

The political conflict in the Enugu State House of Assembly has existed more or less since the beginning of the current administration. Already in September 1999, there was a bitter fight over the suspension of Nwabueze Ugwu, a state legislator who was strongly opposed to the governor. Ugwu vehemently and publicly protested against the suspension, which he claimed had not been carried out according to constitutional procedures and was motivated by the governor's displeasure with Ugwu's repeated criticism of the governor's unconstitutional actions.<sup>120</sup> Only four days later, Nwabueze Ugwu's brother Sunday was killed in the brothers' shared residence on September 9, 1999, in circumstances that indicated the killers had intended to target Nwabueze. The killing coincided with a dispute in the state, in which Nwabueze was also involved, over the failure to pay civil servants for two months and an impending strike by those workers.<sup>121</sup> Although this killing occurred well over three years ago, no one has been charged to court in the case. Governor Nnamani said the investigation into this case was still on-going, but that the killing must have been an armed robbery or cult-related.<sup>122</sup> Since then, Nwabueze Ugwu has made several complaints about renewed threats or attacks against him.<sup>123</sup> Two months after Sunday Ugwu's death, the faction opposed to the governor impeached the then-Speaker, who was loyal to the governor. In July 2002, the Nwobodo faction again attempted to impeach the Speaker of the House of Assembly. A dispute

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<sup>117</sup> Ibid.

<sup>118</sup> Ibid.

<sup>119</sup> The state houses of assembly in Nigeria are the only organs of the unicameral state legislatures.

<sup>120</sup> Human Rights Watch interview with Nwabueze Ugwu, Enugu, February 5, 2003.

<sup>121</sup> Goddy Osuji, "Thugs attack protesting workers," *News*, September 12, 1999.

<sup>122</sup> Human Rights Watch interview with Chimaroke Nnamani, Enugu, February 6, 2003.

<sup>123</sup> Human Rights Watch interview with Nwabueze Ugwu, Enugu, February 5, 2003; letters from Nwabueze Ugwu to the Commissioner of Police, Enugu State, February 23, 2001; July 31, 2001; November 28, 2001.

over the validity of the impeachment led to the current crisis in the Enugu State House of Assembly.<sup>124</sup> The anti-governor faction selected its own Speaker, and since that time, the two factions of the state house have operated independently of each other, each claiming to pass the only valid legislation for the state. Later in July, the crisis reached an exceptionally low point when physical fighting broke out in the grounds of the state legislature.

#### *July 2002 Crisis in the House of Assembly*

Representatives of the Nwobodo and pro-governor factions have offered different versions of what occurred in the July 2002 crisis in the state House of Assembly. Nwabweze Ugwu told his version of events to Human Rights Watch.

On July 18, after the Speaker had been successfully suspended, the Speaker left his seat and the Deputy Speaker took it over. When the Deputy Speaker adjourned the proceedings, the Secretary to State Government (SSG), Chief Security Officer and the governor's Chief of Staff entered the chambers with about a hundred thugs.... The thugs overpowered the police, almost beat to death Honorable Francis Ben Agwu, who had moved the impeachment motion, beat two other legislators, Honorables Jack Chukwuma and Uche Eketé, and ordered everyone else to leave.<sup>125</sup>

The "Abuja group" legislators reported feeling so insecure that they relocated to Abuja with the financial support of Senator Nwobodo, returning to Enugu only with a police contingent. On July 25, they returned from Abuja amid tight security. Ugwu reported:

The gate [of the Assembly complex] was locked when we arrived. Close to five hundred police, including one hundred mobile police, were there to protect us. As we stood around trying to decide what to do, Governor Nnamani's private army came toward our right flank, shooting indiscriminately toward us. They were about one hundred. The police were still among us, but they did nothing about it. They didn't want to kill us, but probably just scare us. They destroyed a lot of cars, and beat up some members. Honorable Chijioke Aroh was hospitalized.... Since then, each of us has a police officer always with us and two others to guard our homes.<sup>126</sup>

Legislators loyal to the governor told a different story:

On July 18, the other group brought thugs into the assembly grounds. We informed the speaker, because we were afraid to enter the chambers, but we saw police there too so we gained confidence. After the Speaker said we were adjourned, Francis Agwu tried to read something; he was told to stop and people were tearing at the paper. He jumped into the Speaker's seat and got into the Speaker's way, so the Speaker pushed him out of the way and left the chambers. We were exchanging words, and pushing, too, but that was it. Some of Agwu's colleagues entered the chambers, but I ordered police to evacuate the chambers. Some thugs entered the chambers, too – some civil servants, some unemployed – but they didn't do anything. The Speaker gave an order to police, and the chamber was emptied. That was the end of the incident.... On July 25, the other group landed at the airport with police from Abuja.... Some police also met them here and showed them the injunction preventing them from parading themselves as officers in the House of Assembly; the police then accompanied them to the state house. They had thugs with them who started shooting indiscriminately. No one was injured, but the police couldn't resist them; the police were also afraid to hurt legislators. They brought a carpenter from town to cut the chain on the gate. [On a later date,] they vandalized the state house; police from Abuja

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<sup>124</sup> At the time, there were sixteen legislators in the "Abuja group" and eight pro-governor members. While two-thirds vote is normally needed to suspend the Speaker of the State House of Assembly, the legal aspect of the dispute involved whether a proper quorum had been reached to conduct the vote.

<sup>125</sup> Human Rights Watch interview with Nwabueze Ugwu, Enugu, February 5, 2003.

<sup>126</sup> In February 2003, Human Rights Watch researchers visited the grounds of the apartment complex that serves as residences for members of the state house of assembly. We were told that all of the members are living there together now; no police officers were in evidence.

assisted them. They must not really feel threatened; even now they move around without security and have left their families here.<sup>127</sup>

The crisis dragged on in October 2002 when the federal House of Representatives resolved to take over legislative functions for the state. The tension in the state legislature seemed to die down somewhat after November 2002, when opponents of the governor in the state legislature were reportedly told they would get salary arrears if they were willing to work with the pro-governor faction. Since then, pro-government legislators claim at least one legislator has done so, although they insist “[he] came back because of personal conviction, not because of the money.”<sup>128</sup> Nevertheless, the two factions continue to hold separate sessions in different buildings.

When Human Rights Watch spoke with the governor about the conflict in the state legislature, he said it was his policy, as head of the executive branch, not to involve himself in conflicts within the legislative branch.<sup>129</sup> Although in certain non-violent situations, this may be a good application of the principle of separation of powers of government, it remains the responsibility of the governor, as chief security officer in the state, to help ensure that any persons who organize or participate in violence, including using armed thugs to intimidate their opponents, are subject to arrest and prosecution under the criminal law, especially in cases where supporters or members of his own government are allegedly involved.

#### *Other violence in Enugu*

Although physical violence within the House of Assembly is a particularly alarming sign of the way politics is practiced in Enugu, political violence has not been limited to the state legislature. The state government’s reportedly widespread use of violence and political thugs has contributed to a decline in security in the state. For example, the Civil Liberties Organisation, a national human rights group, documented a case in March 2002, in which a young man posting anti-government posters was apprehended by government thugs and taken to Government House where the governor interrogated him by telephone. He was beaten there and at the police station, and detained for around two weeks, until his relatives were able to get a lawyer who secured his release.<sup>130</sup>

Some leaders in the Catholic Church, which has a fervent following in Enugu State through the charismatic leadership of Father Ejike Mbeka, have been strongly critical of Governor Nnamani’s administration. The church vehemently criticized the governor’s response to an incident in which fourteen people were killed at a church event on March 7, 2002. The church had issued a statement saying the deaths were caused by “unknown persons presumed to be hired killers,”<sup>131</sup> and many, including the governor, presumed that this implied that he had been responsible. A state-appointed judicial commission of inquiry into the incident reported the deaths were caused by a stampede,<sup>132</sup> but the Catholic church did not accept that conclusion, urging that the government could not be a judge in its own cause, and claiming many witnesses had been afraid to come forward to testify.<sup>133</sup> A leader of the church in Enugu also claimed that agents of the state government attempted to assassinate him as a result of his criticisms of Governor Nnamani.<sup>134</sup>

The Justice Development and Peace Commission (JDPC), a national organization affiliated to the church, was accredited to observe the September 2002 voter registration exercise. According to JDPC, violence marred the

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<sup>127</sup> Human Rights Watch interview with Chukwu Abel, Speaker, Enugu State House of Assembly, and Igwesi Uchenna, Member, Enugu State House of Assembly, Enugu, February 7, 2003.

<sup>128</sup> Ibid.

<sup>129</sup> Human Rights Watch interview, Governor Chimaroke Nnamani, Enugu, February 6, 2003.

<sup>130</sup> Letter from Civil Liberties Organisation to the Governor of Enugu State, February 6, 2003.

<sup>131</sup> Public Announcement Issued by the Catholic Diocese of Enugu on 7<sup>th</sup> March 2002 Following the GTC Enugu Adoration Tragedy, reprinted in Statement of the Catholic Diocese of Enugu, Commission for Development Justice and Peace and Caritas, *Human Life is Sacred: The Adoration Ground Tragedy in Enugu: The Facts and the Issues*, April 12, 2002.

<sup>132</sup> Main Report of the Judicial Commission of Inquiry into the Deaths at the GTC, Enugu Adoration Ground.

<sup>133</sup> Statement of the Catholic Diocese of Enugu, April 12, 2002.

<sup>134</sup> Father Obiora Ike, the director of Catholic Institute for Development, Justice and Peace, had preached against the governor’s importing arms, among other things. Human Rights Watch interview with representative of Civil Liberties Organization, February 6, 2003.

registration effort in Enugu, and there was at least one incident in which JDPC monitors were assaulted by pro-governor thugs.<sup>135</sup> In Mpu, Aninri local government area, they noticed several serious anomalies in the voter registration exercise. As they discussed this with the election officials, a “group of boys between the ages of eighteen and thirty came and surrounded us. Having listened to the discussion for some time one of them shouted, ‘take that cassette away from him,’ and another shouted, ‘take the video camera’ from them. Immediately they rushed and snatched away the cassette recorder....” JDPC said their video camera and tape, as well as a cell phone and writing materials, were seized by the group of young men.<sup>136</sup> JDPC officials returned some days later to Mpu with three police officers to attempt to retrieve their property. A JDPC official reported to Human Rights Watch: “We saw the electoral official, who was a teacher, but he ran way into the bush. At least ten young boys emerged, three of them with guns.... We tried to explain to the boys that we were trying to help them... The brother of the Secretary to State Government [whose home is close to that area] told us to leave. Then those boys came around our car and tried to block us but we drove away quickly.”<sup>137</sup>

When Human Rights Watch discussed these and other violent incidents in the state with Governor Nnamani, he said that Enugu was “safe and peaceful.”<sup>138</sup>

### III. POLITICS AS A CAUSE OF INTER-RELIGIOUS AND INTER-ETHNIC VIOLENCE

Ethnic, religious and regional tension is widespread in Nigeria. But episodes of violence that are ethnic or religious on the surface are often caused by competition for political and economic influence, in a country where politics is seen as one of the few avenues to wealth and comfort. When party lines and other political divisions coincide with ethnic or religious differences, the strong sentiments associated with people’s ethnic or religious identity come into play in the political arena. Politicians are often able to capitalize on this sentiment in order to mobilize support, in many cases exacerbating inter-group resentment and hostility. The majority of those killed in the resulting violence are ordinary people not directly involved in politics themselves.

Tension between Muslims and Christians in many northern states has been on the rise since the extension of Shari’a (Islamic law) into these states’ criminal codes. While politicians and others supporting the new laws argue that Shari’a will be more effective at fighting crime, many observers see fervent backing for Shari’a by northern politicians as an effort to retain support among their predominantly Muslim populations despite the leaders’ inability to deliver on other promises to their constituents. Riots caused by the proposed extension of Shari’a occurred across several northern states in 2000, particularly in Kaduna, where at least two thousand people were killed; since then, inter-religious tension in those states has continued to simmer. The November 2002 riots in Kaduna State, triggered by protests related to the Miss World contest that was due to take place in Nigeria, highlighted the dangerous nexus between politics and religion.<sup>139</sup> Around 250 people died in three days of rioting, sparked by an article that was perceived as blasphemous by some Muslims. But virtually everyone with whom Human Rights Watch researchers spoke in Kaduna believed that the violence resulted from political tensions between the governor, who is Muslim, and some of his erstwhile supporters who believed he was selling them out to southern and Christian interests.

Inter-ethnic violence in several “middle belt” states across central Nigeria has also taken on political dimensions in some cases. Over the last couple years, serious fighting has occurred in states like Benue, Plateau, Nasarawa and Taraba between groups that view themselves as “indigenes” and those viewed as “settlers,” or non-natives to the area, resulting in hundreds of deaths. While these fights have not always been overtly political, competition in the approaching elections has provided a new excuse for violence.

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<sup>135</sup> Justice, Development and Peace Commission (JDPC) Enugu, *Observation of the Voters Registration Exercise Conducted by the Independent National Electoral Commission (INEC) in Enugu from 12<sup>th</sup>-22<sup>nd</sup> September 2002*.

<sup>136</sup> JDPC Monitoring Team, *Observation Activity at Mpu on 19<sup>th</sup> September 2002* (received from JDPC official, February 7, 2003).

<sup>137</sup> Human Rights Watch interview with JDPC official, Enugu diocese, Enugu, February 7, 2003.

<sup>138</sup> Human Rights Watch interview with Governor Nnamani, Enugu, February 6, 2003.

<sup>139</sup> See forthcoming Human Rights Watch report on the Kaduna clashes of November 2002.



In Nigeria's southern Niger delta region, the oil-related resources at stake coupled with grinding poverty have meant that competition for political power is particularly violent. At the community level, groups that control the relationship with locally-operating oil companies may derive at least some benefits in terms of employment of unskilled labor and small-scale development of their communities. Although this inter-communal competition does not necessarily fall along ethnic lines, when it does the violence may become even fiercer. Serious fighting in Warri, Delta State, during a senatorial primary election in February 2003 and further clashes in March 2003 provide a case in point.

### **Jos, Plateau State: "Indigene" versus "settler" violence at ruling party's local primaries**

On May 2, 2002, fighting broke out at the PDP local primaries in a ward of Jos North local government area, in the capital of Plateau State. Local primaries had already been held in other areas of Plateau, but had apparently been cancelled in Jos North because of fears of violence. The conflict on May 2 was between ethnic groups who saw themselves as "indigenes" or natives of Jos, and those they view as "settlers," who in Jos are predominantly Hausa/Fulanis. With little advance notice, the venue for the ward primary had been moved to Eto-Baba, a predominantly "indigene" area of Jos North, shortly before the planned election. "Indigenes" accused the "settlers" of invading the venue in a threatening manner, and of bringing in large numbers of people from outside the ward in order to inflate their numbers. The Hausa/Fulanis, on the other hand, claimed they were attacked by "indigenes" once they had gathered at the venue, and some believed that the venue had been changed at the last moment in order to give their attackers an advantage. Information available to Human Rights Watch from local sources indicates that scores of people were probably killed. One local non-governmental organization said at least one hundred people were killed that day – a credible estimate since Igbo and Yoruba ethnic leaders each reportedly claimed to have lost forty members of their groups alone, while the Hausa/Fulanis and "indigenes" who were at the center of the conflict did not report the numbers killed.<sup>140</sup> A source in Jos told us that seventy-eight people had been killed, and many more injured. The state government had immediately started evacuating corpses in order to douse the motivation for revenge killings, and in some cases, the names of deceased victims were not released even to their families.<sup>141</sup>

The concept of "indigene" in Nigeria refers to persons or ethnic groups that are purportedly native to a certain area; "indigene certificates" issued by a person's supposed "home" state must sometimes be presented in order to receive certain jobs or benefits through the state. The "indigene/settler" distinction has caused a great deal of hostility in Jos and other areas of Nigeria.<sup>142</sup> Particularly for many Hausa/Fulanis who have been in Plateau State for generations, it is the only home they know and they resent being viewed as outsiders. At the same time, "indigenes" in Jos accuse the Hausa/Fulanis of attempting to take over areas of the city for themselves and to exclude the "indigenes" from economic or political activity. Disputes between "indigenes" and "settlers" had set off days of rioting in Jos in September 2001 that engulfed the city and killed up to a thousand people.<sup>143</sup>

A factor linked to the violence at the PDP primary was the last minute change of the locale (for reasons which remain unclear). Eto-Baba was not the usual voting location for many of the participants that day, as it was in the corner of a large ward that normally would have multiple voting units. As a result, a very large number of people from rival ethnic groups were brought into a single venue about the size of "two football fields."<sup>144</sup> According to a local non-governmental organization, there were only about ten police officers at the venue at the beginning of the incident, despite the presence of thousands of voters. People started arriving at the venue around 8 a.m. or 9 a.m. According to most accounts, Hausa/Fulanis started to arrive in very large numbers, in some cases in buses

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<sup>140</sup> Human Rights Watch interview, Jos, December 13, 2002.

<sup>141</sup> Human Rights Watch interview, Jos, December 16, 2002.

<sup>142</sup> In Jos, the "indigene" groups include the Birom, Anaguta and Afizere ethnic groups, among others; the "indigenes" are predominantly though not exclusively Christian. Hausa/Fulanis, who are predominantly Muslim, are the largest group among those viewed as "settlers" in Jos, although several other ethnic groups are also represented among the "settlers."

<sup>143</sup> See Human Rights Watch, "Jos: A City Torn Apart," A Human Rights Watch Report, vol. 13, no. 9 (A), December 2001. Since September 2001, and throughout 2002, periodic outbreaks of violence in Jos and other parts of Plateau State have caused scores of deaths.

<sup>144</sup> Human Rights Watch interview, Abuja, December 15, 2002.

and motor convoys. Apparently their arrival was seen as a threat by the local “indigene” population, who claimed they were bringing people in from neighboring states in order to take control of the ward.

#### *Outbreak of violence at Eto-baba*

Fighting broke out at about 10 a.m., before the voting had actually started. Accounts varied about whether the Hausa/Fulanis initiated violence on May 2 by invading the venue, or whether the “indigenes” first launched an attack there. At some point after the groups had begun to assemble with the candidates whom they supported, “indigenes” started using bows and arrows and stones to attack Hausa/Fulanis from a vantage point on a nearby hill. Many people were injured or killed at the venue, and virtually all of the vehicles there were destroyed. Fighting spread to other neighborhoods, and there were accounts of killings by the police even in neighborhoods where there was no fighting. The military was eventually brought in to quell the violence, and a curfew was imposed. A member of the PDP, a Hausa/Fulani, reported to Human Rights Watch his experiences on May 2.

Officially the members were not informed about the new location, but the officials were. We mobilized our people to go anyway, wherever the primaries were held. Eto-Baba is far away for some of us. We appealed to our richer members to lend their vehicles to help transport people. They lent their cars, buses and open vans.

I left home at about 8 a.m. I walked. On the way, at the junction leading to Eto-Baba, there were no signs of violence. Everything was OK. Some residents of houses were outside, just looking. There were thousands of us, like a procession. It was one of the largest turn-outs in Plateau. When we reached the venue, at about 9 or 9:30 a.m., I was with a friend. We were discussing elections and security. There were mobile police and soldiers there but not many compared to the crowd. People continued coming, including women and babies....

Then we heard insulting language by “indigenes” towards the Hausa/Fulani. I heard it. They said, “You came into our place; how can you challenge us?” At about 10 a.m., they started throwing stones. Some were hiding behind the hills and throwing stones from there. They were not in the midst of us. Our opponents were hiding behind the rocks. We couldn’t see well but the arrows were coming from there. The police couldn’t control the situation. I didn’t notice any police as we ran away. In the commotion, people starting running. Our leaders said we should organize and take the women and old people outside. We held hands and encircled the vulnerable people and led them out. We saw arrows coming from various directions, hitting people.

Some people were killed in the stampede. The whole place was in total chaos. People were running. Some were hit by arrows. Some were pushed to the ground. Then we heard the sound of bullets. We thought it was the security forces. We were all running. I couldn’t see my friend. I managed to reach the junction. I went to Bauchi road....

I don’t know how many people were killed at Eto-Baba. Some from Angwan Rogo are still missing. Some were burnt. I saw a man with an arrow in his stomach lying on the ground. He was already dead. A friend, Kabiru, a tailor aged about 40, died at the venue. He is missing. We’ve never seen him since. We looked everywhere, in the hospitals, morgues and prisons, even in Bauchi State as some of the injured were taken there.... An old man, Alhaji Mohammed Musa, the uncle of a friend, died. We found his body the same day, on the street, just after the school, towards Bauchi Road. He had a deep cut on his head....

The violence spread into town, especially Bauchi Road and parts of Nasarawa. When I came into town, at about 1:30 p.m., on Bauchi Road I saw two corpses covered with leaves. Some cars were set ablaze....

The violence in Eto-Baba stopped at about 1 p.m. When we left, on the way, the whole place looked like a ghost town. By the afternoon, it was finished.

We [the Hausa/Fulanis] were accused of intending to fight. If we had been going to fight, would we have allowed our women and babies and old people to go there? We thought it must be organized by our opponents to prevent the elections, as we were in larger numbers.<sup>145</sup>

There were several reports of extrajudicial killings by the police; it is not clear on what basis the police targeted particular individuals or neighborhoods. A witness reported that a friend was shot in the leg by police. “When people started running, the police started shooting. There was no fighting there, so everyone was surprised by that. I recognized the police officer as the divisional police officer for that area. In the afternoon, my friend’s father Muktar was shot trying to go into his house. He was shot at directly. He was about fifty or sixty years old. In the evening, along the route to my house, I saw two dead boys. Their bodies were covered by mango leaves on the side of the road.”<sup>146</sup>

At Al-Iman Private School, a secondary school in the Dutse Uku area of Jos, two students were shot and one killed by mobile policemen shooting into the locked school.<sup>147</sup> “I also saw five bodies on the street in Dutse Uku, all five were men who had been shot. I saw police come with a van to evacuate the corpses as I passed by,” a witness reported.<sup>148</sup> A source confirmed the killing of Abubakar Auwal, a student at Al-Iman Private School, by a team of mobile police who opened fire on students while they were in their classrooms.

A twenty-three year old young man, Aminu Abdullahi, was killed by a police officer in the Nasarawa neighborhood, near the police station. A Nasarawa community leader who was pushing for prosecution of the case on behalf of Abdullahi’s family gave an account of what had happened:

The boy was just walking along with his friend, Kamalu, discussing with him, when they saw smoke at Eto-Baba. The boy said, “Look, they’re burning Hausa/Fulani houses; but later, the police will come and arrest Hausa/Fulanis.”... The police officer called him and said, “What did you say?” He said, “I said nothing.” The police officer then pulled out a gun and shot him in the face. Then he lifted his gun in the air and said “if anyone shoots me I’ll kill them.” Then he started shaking and ran into the nearby police station. People in the nearby houses saw the incident, and recognized him as a police officer from that area. They told the divisional police officer his name, Sgt. Venley Nandang.... Kamalu went and told Abdullahi’s mother what had happened. She came to the site with many people following her, including youths saying that they would not agree, that they would burn the police station. Many Hausa/Fulani elders pleaded with the youths not to take the law into their hands; they agreed, partly because some thirty people who had already been arrested were inside the police station. The mobile police had been making random arrests.<sup>149</sup>

Although several witnesses had identified the murderer immediately, community leaders had to make persistent efforts to ensure that he was brought to justice. Sgt. Nandang was reportedly arrested and charged with culpable murder, but was then released, reportedly at the direction of Plateau’s then-Acting Commissioner of Police. Later, community members noticed that Nandang was apparently still coming to work at the police station, so they again initiated a petition for his prosecution. The case also received some media attention. “When the petition reached the Inspector General of Police and the new Commissioner of Police, Vendang was rearrested.... We don’t know the outcome of the trial. We’re waiting to hear; he was tried at Laronto two months ago.”<sup>150</sup>

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<sup>145</sup> Human Rights Watch interview, Jos, December 15, 2002.

<sup>146</sup> Human Rights Watch interview, Jos, December 13, 2002.

<sup>147</sup> Ibid.

<sup>148</sup> Ibid.

<sup>149</sup> Human Rights Watch interview, Jos, December 15, 2002.

<sup>150</sup> Ibid.

Human Rights Watch received reports of arrests being made in the days after May 2. “On the 3<sup>rd</sup> through the 6<sup>th</sup> of May, police started arresting people in Hausa/Fulani houses; more than 250 people were arrested. Police would even break down the doors; all were brought to the Magistrate’s Court under charges of violence or breach of the peace.... All were remanded into prison custody, and thirteen still remain there.”<sup>151</sup> Human Rights Watch does not know whether there was sufficient evidence against all these individuals to justify their arrest and detention. In similar situations in the past, following outbreaks of violence, the police have often arbitrarily rounded up many people arbitrarily, without any clear information that those arrested had been involved in criminal acts.

### **Warri, Delta state: Inter-ethnic violence between January and March 2003**

Some of the most recent large-scale violence in Nigeria broke out in and around Warri, Delta State, on January 31, 2003, and again in March 2003. On January 31, the PDP attempted, for the second time, to hold party primaries for Delta South Senatorial District. There is a history of conflict between the Itsekiri, Urhobo, and other ethnic groups in the area, but the immediate tension between the Itsekiri and Urhobo was motivated by a dispute over the number of electoral wards allocated to each community and the drawing of boundaries between wards. The military also played a major role in what happened; according to reports, one of the first casualties was a soldier, and many of the initial deaths were a result of military reprisal. The exact number of people killed over several days of fighting is unclear, but it seems likely that at least dozens died.<sup>152</sup> According to news reports in the first day or two of fighting, individual eyewitnesses had reported seeing twelve, eighteen, and twenty bodies;<sup>153</sup> a local organization estimated that at least two hundred people were killed. The Nigerian Red Cross reported that the fighting had left more than six thousand people displaced from their homes.<sup>154</sup>

The Itsekiri and Urhobo ethnic groups are two of the main groups in Warri South local government area, with Ijaw and other groups also represented. The January 2003 conflict was not the first time that ethnic groups in the area had clashed. In 1997, a dispute between the Ijaw and Itsekiris over the location of the local government headquarters led to a crisis that left scores of people dead.<sup>155</sup> Again in 1999, fighting between the Itsekiri and Urhobo led to many deaths.<sup>156</sup> Both clashes occasioned the intervention of the military, which was still patrolling the area when the crisis broke out in January 2003. Because Warri is a major base for multinational oil operations, tension between the communities has been intensified by the competition for benefits from the oil companies.

The delineation of wards in the local government in the lead-up to the repeat senatorial primary left Urhobos feeling disenfranchised. The specific issue was whether the number of wards controlled by the Urhobo would increase from two to four. According to news reports, officials from the Independent National Electoral Commission (INEC) had recognized only two Urhobo wards in accrediting delegates for the primaries, despite claims from some Urhobo groups that INEC had earlier approved two additional wards.<sup>157</sup>

On the afternoon of January 31, Urhobo youths from Okere, disgruntled by their inability to participate in the primary, proceeded to an Itsekiri area of Okere and began to loot and burn property. Soldiers who had been stationed there since the earlier crises intervened, and one soldier was shot and killed during the attempt to stop the rioting; it was unclear whether he was killed accidentally by other security forces or by the rioters.

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<sup>151</sup> Ibid.

<sup>152</sup> This account is based on an informal report from Niger Delta Professionals for Development, a southern-based non-governmental organization, and on several international and national media reports.

<sup>153</sup> “Violence mars Nigerian party elections,” *BBC News*, February 3, 2003; “Nigeria: Ethnic clashes erupt in southern oil town,” *IRINnews.org*, February 3, 2003; “Nigeria: Curfew imposed on oil town following clashes,” *IRINnews.org*, February 4, 2003.

<sup>154</sup> “Over 100,000 people displaced in Nigerian unrest: Red Cross” *Agence France-Presse*, March 7, 2003.

<sup>155</sup> See *The Price of Oil: Corporate Responsibility and Human Rights Violations in Nigeria’s Oil-Producing Communities*, A Human Rights Watch Report, January 1999.

<sup>156</sup> “Four feared killed in Fresh Warri Crisis,” *This Day*, February 1, 2003.

<sup>157</sup> “Unending Tears as Oil City Bleds,” *Vanguard*, February 8, 2003; Peter Okhiria, “Okumagba Wants Army Authorities to Sanction Soldiers Over Warri Crisis,” *News*, February 25, 2003.

Meanwhile, a group of Itsekiris voting at the township stadium heard of what had happened and began to rush to Okere; on their way, they encountered an army detachment. According to one version of events, the soldiers opened fire on the Itsekiris in reprisal for the earlier killing of a soldier, apparently either not realizing that the earlier burning and looting that led to a soldier's death had been committed by Urhobos, or not knowing the people they had encountered were Itsekiris. The random shooting by soldiers reportedly led to several deaths among the Itsekiris as well as passersby. Over the next two days, as the Itsekiris attempted to avenge their losses, killing, looting, and burning of homes and other buildings spread to various surrounding neighborhoods. Although the military intervened early on, they were unable to halt the violence completely, and the fighting renewed in intensity on February 2. On February 3, the state government imposed a dusk to dawn curfew. As military reinforcements were sent to the area, most activity in the city ground to a halt, although a local organization reported that this still did not stop some attacks and counter-attacks. Fighting finally appeared to peter out on February 5 and 6.

From March 13, 2003, serious fighting broke out again, primarily in Warri Southwest LGA. In clashes between the Ijaws and the Itsekiris, and between the Ijaw and the military, scores of people were killed and dozens of villages destroyed over a period of around two weeks, according to reports from local non-governmental organizations, journalists and other sources. One of the reasons for the fighting between Ijaws and Itsekiris was a dispute over the distribution of electoral wards, which the Ijaws believed favored the Itsekiris. The majority of the victims in the fighting between the two groups were reported to be Itsekiris. After four military personnel were killed on March 13, a large contingent of Nigerian army, navy and police was deployed to the area, clashing primarily with Ijaw youths. There were reports of indiscriminate reprisal attacks by the security forces on Ijaw communities, particularly in the village of Okerenkoko; dozens of Ijaws were reported to have been killed.

At the time of this writing, it was uncertain whether INEC would attempt to hold general elections in Warri South and Warri Southwest LGAs. The INEC resident electoral commissioner for Delta State said on March 30 they would not take place unless INEC was given positive authorization from security agencies.<sup>158</sup>

#### IV. POLITICAL ASSASSINATIONS

An increase in the number of killings of high profile political figures in recent months has sharpened fears in Nigeria of a violent and turbulent election period. While the cases described below are a sample of some of the more high profile killings in Nigeria, they do not constitute an exhaustive list.

##### **Marshall Harry**

On March 5, 2003, Marshall Harry, the national vice chairman for the South-South Zone of the largest opposition party, the ANPP, became the most senior national figure to have been killed since Justice Minister and Attorney General Bola Ige was killed in December 2001. Both killings sent shockwaves through the country. While many more Nigerians have lost their lives in small-scale political clashes than in targeted assassinations, these high-profile deaths have provoked perhaps greater turmoil in Nigeria, and in some, though not all, cases a slightly more focused response by government and police. In many of these cases it is difficult to confirm the exact motive for the crime. It has become almost reflexive for politicians in Nigeria to point the finger at one another whenever a prominent figure is killed. Nonetheless, even discounting some of the cases as ordinary murders, the number of killings leaves no doubt that political assassinations are a far too common occurrence, and action by the government and police to stem the problem have been insufficient and ineffective.

Marshall Harry was an important politician both nationally and within Rivers State, where he was known as a political "kingmaker." After the 1999 elections, he was still a member of the PDP, but although he had supported the Rivers Governor Peter Odili, he soon began to publicly disagree with Odili's policies and began a drive to

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<sup>158</sup> Jaiyeola Andrews, "Election May Not Hold in 2 Warri LGs," *News*, March 31, 2003.

ensure that he would not return to power in 2003.<sup>159</sup> He also began campaigning against President Obasanjo, and helped form the Campaign for the Realization of a South-South Presidency (CRESSOP).<sup>160</sup> The PDP suspended Harry in 2001 because of these “anti-party” activities and the next year he joined the ANPP, which has since fielded Mohammed Buhari, Obasanjo’s primary competitor in the presidential elections and military head of state from the north.<sup>161</sup> Harry became the ANPP’s national vice chairman, with responsibility for the South-South zone of Nigeria covering his home state of Rivers and several other states of the Niger delta area. He was a strong supporter of Sergeant Awuse, the ANPP’s candidate for Rivers governor and a bitter opponent of Governor Odili.

At around 3 a.m. on March 5, four armed men in plain clothes came to Marshall Harry’s residence in Abuja, the federal capital.<sup>162</sup> They asked the security guard where Marshall Harry was. The guard attempted to cover up the fact that Marshall Harry was at home, but they tied him up and proceeded to break the lock on the building, gaining entry into the house, where Marshall Harry, his daughter, and his niece were asleep. They collected the mobile phones in the home, and forced his daughter to lead them to Marshall Harry’s bedroom. At some point, Marshall Harry began to shout for help, but the intruders were able to gain entry into the room and shot him twice. Harry’s daughter was reportedly assaulted as well. The intruders were in the home for a total of about one hour. A friend arrived at the home soon thereafter, and alerted the police at a checkpoint very near the house, who reportedly told him they could do nothing as they had no fuel in their vehicle. The home was also located within walking distance of the headquarters of the Abuja police command. The friend then rushed Marshall Harry to the hospital in his own vehicle, where Harry was pronounced dead on arrival.

Although the motive for his killing is unconfirmed, his death has created tension among many familiar with the political scene in Rivers State who believe that his death was related to the bad feeling between him and the Rivers State government. Marshall Harry had been in Abuja to debrief other ANPP party officials about logistics for the kick-off to Mohammed Buhari’s presidential campaign, which was planned for March 8 in Port Harcourt, the capital of Rivers State. The ANPP had applied to the state government to use the stadium in Port Harcourt and was apparently told it would cost N7.5 million (approximately US\$ 58,000) for the permit, although they claimed the ruling PDP had used the stadium two weeks earlier for a price of only N800,000 (approximately US\$ 6,200). Marshall Harry had sent a letter to the Rivers State Commissioner of Police and other security officials protesting the fee.<sup>163</sup> He had also claimed that “since we started the preparation for the presidential flag-off campaign, we have noticed a high spate of arrest, intimidation, harassment and maiming of our party officials, candidates and supporters by Odili’s thugs with the assistance of the Police,” according to a news story that reprinted the letter.<sup>164</sup> Although Human Rights Watch has no confirmation of the specific claims presented, they illustrate the high level of hostility that existed within the state. There were immediate and strong condemnations of Harry’s murder by the federal government, Governor Odili, leading national human rights organizations, as well as foreign governments, all calling for prompt investigation of the murder. The Inspector General of Police promised a full-scale investigation, and told journalists on March 6 that seventeen people had been arrested in connection with the murder, although it was unclear whether any of them were actual suspects.<sup>165</sup>

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<sup>159</sup> Human Rights Watch telephone interview with representative of Port Harcourt-based non-governmental organization, March 6, 2003.

<sup>160</sup> There have been occasional calls in Nigeria for the Presidency to rotate between the country’s six geographic zones. CRESSOP’s campaign for the next president of Nigeria to be from the South-South zone would be unfavorable to President Obasanjo, who is from the southwestern zone, and incidentally also to the ANPP’s presidential candidate, Mohammed Buhari, who is from the north.

<sup>161</sup> Buhari led a military coup in December 1983 that toppled the civilian government of Shehu Shagari; he was ousted in August 1985 in a coup by Ibrahim Babangida.

<sup>162</sup> This account of events is drawn from a Human Rights Watch telephone discussion on March 6, 2003, with a source who had spoken with some witnesses, as well as reasonably consistent stories in the media. See, for example, Gilbert da Costa, “Senior Nigerian opposition party official killed,” *Associated Press*, March 5, 2003; Ben Agande, et al, “ANPP Chieftain, Marshall Harry Shot Dead – IG Orders Probe,” *Vanguard*, March 6, 2003.

<sup>163</sup> “Harry Petitions Police, Says Odili Out to Disrupt ANPP Rally,” *This Day*, March 6, 2003.

<sup>164</sup> *Ibid.*

<sup>165</sup> “IG Orders Full Scale Investigation,” *This Day*, March 6, 2003; Human Rights Watch telephone interview, March 6, 2003.

### **Killings in Imo: Ogonnaya Uche and Theodore Agwatu**

An ANPP senatorial candidate in the southeastern state of Imo and former commissioner in the Imo state government, Ogonnaya Uche, was shot in his home in Owerri on February 8, 2003, and died two days later. Speaking to journalists before his death in the hospital, Uche reportedly said he believed the attack was political, and explained that two days before the shooting, he had been trailed to the party secretariat by a group of armed men, who had asked his driver where he was.<sup>166</sup> Another death in Imo shortly followed; Theodore Agwatu, principal secretary to the Imo State governor, was shot and killed in his home on February 22.

The motive for the killings was not confirmed in either case. Nevertheless, politicians in the state used the fact of the killings as a political weapon, as frequently occurs in Nigeria, seeking to lay blame, however prematurely, at their opponents' doorsteps. For example, Imo State Governor Achike Udenwa reportedly said, "The fact that these violent and senseless killings are coming just on the eve of elections and coincides [sic] with the entry into politics of some men of violent and questionable characters is instructive enough."<sup>167</sup> At the same time, ANPP leaders in the state pointed the finger at the state's PDP government.<sup>168</sup> While the killings may well have been political, such unsupported statements can increase political antagonism and the tendency for violent reprisals.

### **Abigail and Barnabas Igwe**

Reformers who criticize abuses of power have also been targets of political assassination in Nigeria. In the southeastern state of Anambra, Barnabas Igwe, chair of the state branch of the Nigerian Bar Association, and his wife Abigail Amaka Igwe were ambushed in their car and brutally murdered in Onitsha, in September 2002. There is strong and credible evidence that his killing was politically motivated.<sup>169</sup> Igwe had been a powerful public critic of Anambra's Governor Chinwoke Mbadinuju, openly calling for the governor's resignation due to the failure to pay government workers for several months. Igwe and other close colleagues who had denounced government abuses received direct threats from senior officials in the Anambra State government in the days preceding the killing. Close associates were also threatened as soon as the day after the killing. In the past, the Anambra State government has used the Bakassi Boys, a vigilante group officially endorsed by the state and known as the Anambra State Vigilante Services, to intimidate and kill opponents.<sup>170</sup> Although the federal police finally arrested members of the group operating in the southeast in August and September 2002, according to reports none have been prosecuted and most if not all have been released.

Governor Mbadinuju was the only one of twenty-one incumbent PDP governors who failed to win their party's nomination in December 2002; the Anambra gubernatorial primaries were twice postponed before the party finally declined to give him the party nomination. Governor Mbadinuju had come under severe criticism in Anambra State for some time, and the high-profile negative publicity around his alleged involvement in the killing of Barnabas Igwe and his wife may have been a contributing factor in persuading the PDP to withdraw its support from him.

### **Bola Ige**

While violence seems to have increased in the lead-up to elections, political killings are by no means only an election-related phenomenon in Nigeria. Federal Justice Minister and Attorney General Bola Ige was shot dead in his home in Ibadan, in the southwestern state of Oyo, on December 23, 2001. He was the highest level politician to have been killed in Nigeria since the government of President Obasanjo came to power in 1999, and the case provoked a severe outcry in Nigeria. Progress on the investigation, though not unproblematic, shows what the Nigerian police and judicial authorities are able to accomplish when sincere effort is exerted. Though the motive for the murder is not confirmed, it was likely linked to a political crisis between the Governor and Deputy

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<sup>166</sup> "Assassins Attack ANPP Senatorial Candidate," *Vanguard*, February 11, 2003.

<sup>167</sup> "Police Special Squad for Imo State," *P.M. News*, February 28, 2003.

<sup>168</sup> "In the 'Dock'," *Newswatch*, February 28, 2003.

<sup>169</sup> See Human Rights Watch press release, "Nigeria: Government Critics at Risk After Political Killings," September 19, 2002.

<sup>170</sup> See Human Rights Watch/CLEEN Report, "The Bakassi Boys: The Legitimization of Murder and Torture," May 2002.

Governor of Osun State, where Ige was from. Ige was perceived as supporting the Governor's faction. In the weeks before his death, gunmen had raided the grounds of the Osun legislature before legislative debate over the crisis in the executive.<sup>171</sup> Four days before Bola Ige's death, a representative in the Osun State House of Assembly, Odunayo Olagbaju, had been stabbed to death. The next day, a local AD chairman was also killed as rioters protested the killing of Olagbaju.<sup>172</sup> Eleven suspects were formally charged in the Ige murder in October 2002, including a close relation of then-Deputy Governor Iyiola Omisore. Omisore was impeached by the state legislature in December 2002, and soon thereafter he was also arrested and detained in connection with the murder. The trial began in March 2003.

Although the police and authorities made initial headway in the case, the fact that no trial had begun more than a year after the first suspects were arrested shows the delays and obstacles that exist to prosecuting even the highest profile cases in Nigeria. Prosecutors purportedly intended to formally charge Omisore on January 25, 2003, but at the time a key witness, Festus Keyamo, was also being held for an unrelated incident and was reportedly unavailable to testify. Keyamo, who had been detained within a few days of Omisore's arrest, claimed that the motive for his detention was to prevent damaging information about high-level politicians' involvement in Ige's murder from coming out in the course of the trial. Keyamo said he was held by the same police unit that was investigating the Ige case, and could easily have been produced as a witness.<sup>173</sup> By March, Omisore was still being detained without charge, in contravention of a court ruling that he either be released or formally charged before February 28, 2003.<sup>174</sup> He filed contempt charges against the police, and was finally brought to a high court for arraignment on March 12. The prosecutor requested an adjournment to "prepare his response to Omisore's objections to his arraignment."<sup>175</sup> Meanwhile, Osun State PDP officials continued to stand behind Omisore's bid for the Senate, despite opposition from national party leaders.<sup>176</sup>

## V. IMPUNITY AND THE ROLE OF POLICE

Impunity is a recurring theme in the cases of political violence outlined in this report, and indeed in many other criminal acts in Nigeria. The overwhelming majority of politically motivated crimes have not resulted in prosecutions. In some instances this is the result of corruption or undue influence of politicians over the police. A news reporter in the northern state of Kano recounted to Human Rights Watch a conversation he had had with a friend in the police: the police officer said that on several occasions his men had intervened in violent political clashes at the local government level, and sometimes before they had even been able to bring the suspects back to the police station, he had received instructions to let them go. The officer understood that the instructions originated from local politicians. As a result, he said that now when he received a report of fighting he would normally wait a couple of hours before sending his men, as there was no sense in risking their lives to make arrests when no punishment would follow.<sup>177</sup> Human Rights Watch received numerous reports that suspects in different states were released by the police after influential persons had intervened. In the aftermath of the Ogbolomabiri conflict described above, the political sponsor of the Isenasawo group claimed to have successfully "insisted" that police in Abuja arrest of a man accused of storing weapons in his home in Ogbolomabiri. He claimed the man was detained for three days until Governor Alamieyeseigha himself came to Abuja and obtained his release.<sup>178</sup>

In other cases, impunity may result partly from the police force's inability to carry out effective investigations because of inadequate (or wasted) resources allocated to the police force and lack of appropriate

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<sup>171</sup> "Nigeria: Attacks send politicians into hiding in Nigeria," *Reuters*, December 22, 2003.

<sup>172</sup> *Ibid.*

<sup>173</sup> Human Rights Watch interview with Festus Keyamo, January 31, 2003, Lagos.

<sup>174</sup> Innocent Anaba, "Ige: Court Orders Omisore's Arraignment," *Vanguard*, February 22, 2003.

<sup>175</sup> "Nigerian Politician in Court over Ige's Murder," *Agence France-Presse*, March 12, 2003.

<sup>176</sup> Ademola Adeyemi, "Osun PDP to Ogbah – We won't replace Omisore," *This Day*, March 10, 2003; Sina Babasola, "Omisore remains candidate for Ife/Ijesa Senatorial district in April polls, says PDP," *Vanguard*, March 11, 2003.

<sup>177</sup> Human Rights Watch interview, Kano, February 2003.

<sup>178</sup> Human Rights Watch interview with Chief Barigha-Amange, Port Harcourt, February 16, 2003.



training. Simple lack of will among police officers overwhelmed by fighting too many violent criminals for too little financial compensation also contributes to the problem.<sup>179</sup> According to Nigeria's Justice Minister, the Nigerian Police Force was operating with 10 percent of the personnel it should have.<sup>180</sup> But while the police doubtless could do with more resources, an expert on police affairs noted that additional funding would not necessarily be properly used until police were able to account for the money they already receive, which until now they have not.<sup>181</sup>

Impunity is one grave consequence of ineffective law enforcement; arbitrary arrests are another. When police did come under pressure for results in a particular investigation, their response was often to carry out arbitrary arrests to appease the demand for action. Once the dust settled, the "suspects" were released either because there was insufficient evidence or because of the interference described above. For example, in PDP local primaries in Ogbolomabiri, Bayelsa State, and in Jos, Plateau State, there was evidence that numerous people had been rounded up in the aftermath of violence without clear evidence that they had participated.<sup>182</sup> In Kano, Human Rights Watch also found evidence of arbitrary arrests after protests during a visit by President Obasanjo in late July 2002 provoked a violent response by police.<sup>183</sup>

There is also a danger that even when police genuinely believe a person has participated in some form of political violence, they may resort to extrajudicial executions or other excessive use of force instead of effectively disarming and arresting the suspect. Extrajudicial executions are a long-standing human rights problem in Nigeria and have often occurred in the context of security force interventions to contain inter-communal conflict, police efforts to curb armed robbery, and in the course of illegal police activity such as traffic checkpoints set up to extort money from motorists.<sup>184</sup> Police initiatives introduced in 2002 authorized police officers to open fire in "very difficult" circumstances without the approval of their superiors, including whenever a police station is "under attack" by rioters. Dubbed "Operation Fire for Fire," these initiatives highlight the culture of conflict that exists between police and the population they are meant to protect. As elections approach, police must avoid taking sides in any fighting or resorting to excessive use of force or extrajudicial executions in attempts to contain this violence.

Police have an important role to play in preventing violence during elections. Impartial deployment in adequate numbers in the vicinity of election booths could help deter some violence. But the danger also exists that a heavy police presence could frighten away voters who anticipate police partisanship and intimidation. Local efforts to reassure voters of non-partisanship could help reduce some of these anxieties in voters and create a better relationship between the population and police. In order to protect politicians on election days, police reported a plan to patrol the areas around the homes of politicians at least three times a day; earlier plans to have one police officer for each politician were apparently scrapped because of a lack of manpower.<sup>185</sup>

The Police Service Commission (PSC), a constitutional body created to provide independent oversight of the police, including personnel decisions with respect to police force officials, has drafted "Guidelines for the Conduct of Police Officers on Electoral Duty in Nigeria." The PSC plans to distribute the guidelines to police officers with electoral duties.<sup>186</sup> Police were also working on a model program of training for election security,

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<sup>179</sup> Dayo Johnson, "AIG [Assistant Inspector General of Police] Laments Under-policing of Population," *News*, January 21, 2003; Henry Omu, "Polls: No Allocation for Police in 2003 Budget," *News*, January 21, 2003.

<sup>180</sup> Human Rights Watch interview with Kanu Agabi, Justice Minister and Attorney-General, Abuja, February 18, 2003.

<sup>181</sup> Human Rights Watch interview, Lagos, January 30, 2003.

<sup>182</sup> See discussion of Ogbolomabiri in section II and Jos in section III.

<sup>183</sup> Human Rights Watch interviews, Kano, February 1-2, 2002.

<sup>184</sup> See Amnesty International, *Security forces in Nigeria: Serving to protect and respect human rights?*, December 2002.

<sup>185</sup> Yemi Akinsuji, "April Poll: Police Patrol Team Now to Protect Civilians," *This Day*, March 26, 2003; "Nigeria Before National Elections," Roundtable discussion at Center for Strategic and International Studies, Washington, D.C., March 27, 2003.

<sup>186</sup> Human Rights Watch interview with Innocent Chukwuma, Centre for Law Enforcement Education (CLEEN), Lagos, January 30, 2003. The PSC was planning to distribute 20,000 copies in handbook form for superior officers, and 120,000 laminated cards summarizing the guidelines for the rank-and-file officers.

with assistance from the U.S. Agency for International Development (USAID). Acknowledging that police have been accused of complicity in electoral violence and vote rigging in the past, the PSC guidelines explain the role of police in helping to ensure “the success and credibility of elected government in Nigeria.”<sup>187</sup> The document explains the role of police, electoral officers and the PSC; outlines the guidelines for police behavior, including maintenance of impartiality, proportionality in the use of force, and knowledge of the electoral law; and lists electoral offenses police are obliged to prevent. If implemented in a professional manner by police, with an effective system of oversight and accountability, these guidelines could go a long way toward reducing political violence during the elections.

The PSC also has a statutory mandate to exercise disciplinary control over police officials. While the PSC was planning a deployment to monitor police conduct during elections, a representative of the PSC told Human Rights Watch that they had been unable to establish a department for general investigations due to insufficient funding. When they received complaints about officers, they had to refer them to the police force for investigation. In addition, the PSC relied on the police to actually implement their disciplinary decisions.<sup>188</sup> The PSC has the potential to be an agent of positive change in the Nigerian Police Force; eliminating the obstacles to its full independence could enhance its effectiveness and in turn the effectiveness of the police.

In a seeming effort to justify past abuses by the police, Justice Minister Kanu Agabi told Human Rights Watch that “police can commit excesses; it does happen. They become brutalized by the difficulties of their job. From time to time they break loose, but when they do we should sympathize with them. That’s why police have to resort to desperate measures. That’s why it’s Operation Fire-for-Fire; it should be ‘fire-for-law.’”<sup>189</sup>

## VI. GENERAL ELECTION PREPARATIONS

The Independent National Electoral Commission (INEC) has faced strong criticism, along with a good deal of court litigation, since it began planning for the 2003 elections.<sup>190</sup> INEC was accused of being under the control of President Obasanjo and the ruling PDP as the party registration process, the registration of voters, and the finalization of an election schedule were all dogged with delay and controversy. In 1999, elections were plagued with rigging, intimidation and violence, but the response of many critics, including in the international community, was muted by the desire to support the transition from military to civilian rule. There were hopes that by 2003, democratic institutions would be strong enough to prevent some of the problems that beset earlier elections. Unfortunately, INEC does not appear to have satisfied those expectations. Although this report does not attempt to provide an overview of election preparations, it will review some of the issues that have arisen in the pre-election period. While many of the problems have related to “mere” issues of procedure, any confusion or lack of transparency in the pre-election period can nourish a fertile ground of disappointed expectations and complaints of unjust treatment, with the accompanying potential for violence.

In June 2002, INEC recognized only three new parties, the United Nigeria People’s Party (UNPP), the All Progressive Grand Alliance (APGA), and the National Democratic Party (NDP), in addition to the three parties that had been allowed by the military to compete in the 1999 elections, namely the People’s Democratic Party (PDP), the All People’s Party (APP, later renamed the All Nigeria People’s Party, ANPP, due to a factional split), and the Alliance for Democracy (AD). The basis for INEC’s decision was unclear, and dozens of smaller political associations challenged their exclusion in court. In December 2002 INEC finally agreed to recognize twenty-four additional parties. While this move was widely welcomed by the opposition and civil society in Nigeria, it came perhaps too late to allow the new parties to compete fairly with the established parties.

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<sup>187</sup> Police Service Commission, *Guidelines for the Conduct of Police Officers on Electoral Duty in Nigeria* (draft version), 2003.

<sup>188</sup> Human Rights Watch interview with Emmanuel Ibe, Special Assistant to the Chairman, Police Service Commission, Abuja, February 17, 2003.

<sup>189</sup> Human Rights Watch interview with Justice Minister Kanu Agabi, Abuja, February 18, 2003.

<sup>190</sup> For more detail on election preparations, see *Nigeria at the Crossroads: Human Rights Concerns in the Pre-election Period*, A Human Rights Watch Briefing Paper, January 2003.

In addition to certifying new parties, INEC is also charged with monitoring and auditing the political parties' electoral campaigns and operations.<sup>191</sup> In line with this requirement, it has helped the political parties to create a code of conduct, which was distributed in March 2003. While it came too late to affect parties' behavior at earlier stages of the process including primaries, this code of conduct could be a step in the direction of setting uniform standards, but its effectiveness will depend on the will of political parties to abide by it. At the meeting where it was released, only nine out of the thirty registered parties signed on. By the end of March, four parties still had not signed on.<sup>192</sup>

The process of voter registration was another INEC project beset with problems. A first phase of voter registration was conducted in September 2002; there were widespread reports of hoarding of registration materials, fraud, intimidation and violence. INEC acknowledged the problems and scheduled a further three days of voter registration from January 21-23, 2003, only in centralized locations in the 774 local government areas rather than all 120,000 polling centers used in September. Fewer problems were reported in January, although the smaller number of registration centers doubtless posed a problem for voters in far-flung areas. In addition, many of the tens of thousands of Nigerians displaced by local conflicts will have been unable to register in their states of residence or at least their home local government areas; INEC does not appear to have made any provision for these voters. While there is no reliable estimate of the number of eligible voters who unsuccessfully attempted to register, undoubtedly a substantial number remain disenfranchised.

A major unresolved issue in the pre-election period has been the status of local governments. The three-year tenure of local governments elected in 1999 expired May 29, 2002, and state governors appointed local government caretaker committees in their stead. New elections were postponed twice and are now expected to take place soon after voting for the state houses of assembly on May 3, although no date had been set at the time of this writing. The ostensible reason for the delay was that INEC had still not produced a register of voters, which was necessary for the state electoral commissions to carry out their job. But many observers believed that INEC delayed production of the register in order to prevent local government elections that would reveal widespread disenchantment with the ruling party in advance of the gubernatorial and presidential elections.

The local government caretaker committees were widely perceived as exercising little independence, being controlled by their state's ruling party. There was some discussion of eliminating local governments altogether, and recently a constitutional amendment was introduced in the national assembly that would curtail the power of local governments. While serious issues of unaccountability and corruption were associated with local governments, reducing their powers rather than addressing the problems would not satisfy many Nigerians' aspirations for a level of government that they can attempt to influence relatively directly. Another issue that may bring more confusion and violence into the election process is the fact that many states have carved new local governments out of the 774 local governments recognized in the 1999 Constitution, without any federal legislative approval as foreseen by the Constitution. Especially when local government elections take place, frustration could lead to violence as factions dispute the proper jurisdictional boundaries.

INEC has had a tumultuous relationship with members of civil society. In the voter registration process, INEC undermined the participation of thousands of national observers by imposing a fee for individual observers at the last moment. Observers play an important role in establishing the legitimacy of the elections, and it is expected that their presence will deter certain types of violence and intimidation on election days. Therefore, INEC should coordinate with local and international observers as well as police with electoral duties to ensure that they reinforce one another's efforts.

## **VII. ROLE OF POLITICAL PARTIES IN PREVENTING POLITICAL VIOLENCE**

Many senior government and police officials, including President Obasanjo himself, have repeatedly made public statements condemning political violence. The federal government called a meeting on March 19, 2003,

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<sup>191</sup> Constitution of the Federal Republic of Nigeria, Sched. 3, Part I, F.15.

<sup>192</sup> See section below, *VII. Role of Political Parties in Preventing Political Violence*.

inviting presidential and gubernatorial candidates from all the parties to reaffirm their commitment to a peaceful campaign. President Obasanjo warned at the meeting that the prevailing level of violence could threaten the outcome of the elections.<sup>193</sup> However, to date, government statements appear to have had little effect on the conduct of political candidates and their supporters. In addition, the message from the government has not always been consistent. For example, in a speech in Ebonyi State in early March 2003, President Obasanjo reportedly threatened he would "meet fire with violence and anyone who provokes violence will see my red eyes, and my red eyes are not good."<sup>194</sup> This type of statement is not likely to reduce tension; it offers no assurance that government and police will conduct themselves impartially and soberly and that security forces will avoid the use of excessive force and arbitrary arrests. In any case, more than strong words are required to prevent violence: criminal prosecution, and party discipline and disqualification for public office where applicable, are also necessary elements of a successful strategy. Until now, these elements have been largely missing. Political parties have rarely disciplined their members for failing to control youths who use violence to forward their political interests; prosecutions of politicians by the state have also been rare.

A political violence bill submitted by the President to the National Assembly in 2002 was rejected on technical grounds. It is unclear whether similar legislation will be resubmitted. A voluntary code of conduct for political parties, developed by INEC in cooperation with some of the political parties, was released on March 18, 2003, at a meeting to which all thirty registered parties were invited. Only nine parties signed on to the code of conduct at the meeting. Several of the major parties were absent, and the PDP and the ANPP were among the parties who failed to sign on to the code of conduct immediately. Four parties had reportedly still not signed on to the code at the time of this writing.

The commitments contained in the code of conduct would contribute significantly to reducing political violence if adhered to by the parties. Under the code, parties agree not to engage in violent activity "as a way of demonstrating [their] strength or supremacy," and to "avoid defamatory, derogatory and insulting attacks on rival parties or individual personalities" and "the use of inflammatory language...that incites violence, hatred, contempt or intimidation against another party." Signing parties also agree to forbid their supporters from protesting at opponents' political rallies and instruct their supporters not to bring arms to any political event. On election days, parties agents are required to cooperate with election officials and security forces to guarantee "efficient, transparent and uninterrupted conduct of elections." The code contains several other provisions relating to the rule of law and conduct of party members and supporters during campaigning and on election days. While signing on to the code of conduct is voluntary, the document states that its provisions "may [subsequently] be incorporated in law."<sup>195</sup>

When pressed on what measures his party would take if a member were suspected of using thugs to commit violence against an opponent, the national chairman of one prominent party was vague about what the proper procedure would be: "we have various disciplinary measures; we can't have a set rule that will govern all cases... We would set up a committee within the party if there was use of thugs."<sup>196</sup> The national secretary of another major party said they had disqualified several candidates who had sponsored youths to commit acts of violence, including a candidate for the House of Representatives in Imo State and a gubernatorial candidate in Kano. But he admitted that "we might treat challenging candidates and incumbents differently, because we can't dismiss incumbents as easily without attracting negative attention from party members."<sup>197</sup>

In an exceptional move, the PDP publicly summoned a governor to the party's national secretariat for his use of political thugs in March 2003. Governor Joshua Dariye of Plateau State was reportedly called to account for his role in an attack by dozens of party thugs on a large group of anti-Dariye demonstrators in Abuja on March 7. The fighting in the federal capital reportedly lasted an hour and many people were injured and some vehicles

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<sup>193</sup> Dan Isaacs, "Obasanjo warns of poll violence," *BBC News*, March 20, 2003.

<sup>194</sup> "Obasanjo Condemns Political Violence," *This Day*, March 5, 2003.

<sup>195</sup> Habib Yakoob, "INEC Releases Code of Conduct to Parties," *Vanguard*, March 19, 2003.

<sup>196</sup> Human Rights Watch interview with Saleh Jambo, National Chairman, UNPP, Abuja, February 19, 2003.

<sup>197</sup> Human Rights Watch interview with Sani Dahir El-Katuzu, National Secretary, ANPP, Abuja, February 19, 2003.

destroyed.<sup>198</sup> At the time of this writing, it remained to be seen whether the incident would affect Dariye's governorship candidacy. Anambra Governor Chinwoke Mbadinuju was the only one of twenty-one incumbent PDP governors who failed to win the party's nomination in December 2002; the Anambra gubernatorial primaries were twice postponed before the party finally declined to give him the party nomination. Public outcry against Mbadinuju's use of vigilante groups to fight crime and in some cases to oppress political opponents, combined with widespread dissatisfaction with his performance in office, might have partly explained the move.<sup>199</sup> However, the party did not suspend or expel the governor and had reportedly considered him for a high-level ambassadorship should the PDP retain the presidency; however, on March 12 Mbadinuju announced he had left the PDP to become the governorship candidate for the AD.

A recurring problem in incidents of political violence is the involvement of "youths," primarily groups of young men, who commit violence at the direction of politicians they support or at least with their knowledge. In Kano, local non-governmental organizations and journalists reported that long-existing youth gangs are now occasionally engaging in violent clashes in the context of political disputes, which have led to some deaths.<sup>200</sup> Human Rights Watch researchers discussed this phenomenon with a senior Kano government official who explained: "what the leadership does, lower levels will follow. Within the PDP [the ruling party] in this state, the leadership is divided in four, so there's no discipline at the lower levels. When the top levels disagree, the lower levels fight. But the top levels still don't even meet to resolve their differences.... But they have no control over the lower levels."<sup>201</sup> Though not always direct sponsors of the violence, politicians bear responsibility when they fail to exercise control over their supporters, especially when the violence is committed in their interest, for example, to get control of a key neighborhood for vote-rigging purposes. Some youth groups, like those described in the Bayelsa case study above, are referred to as "cults" because of the secretive initiation rites, oaths of loyalty that the members are required to swear, and use of spiritualists and charms to attempt to strengthen and protect themselves in battle. In many ways, so-called cults in the Niger delta region do not differ from the gangs of youths that exist all across Nigeria and provide a sense of identity and empowerment for undereducated, unemployed young men who feel neglected or abused by the government and other institutions while their political patrons normally provide some level of benefit.

## VIII. ROLE OF THE INTERNATIONAL COMMUNITY IN SUPPORTING PEACEFUL ELECTIONS

The international community should play a stronger role in holding the Nigerian government to commitments it has made to good governance and respect for human rights. All governments should hold Nigeria to its international legal obligations, including under the International Covenant on Civil and Political Rights as well as the African Charter on Human and Peoples' Rights, to ensure the right of its people to participate freely in choosing their government.<sup>202</sup> Nigeria has additional commitments to good governance, human rights and the rule of law under the frameworks of the Economic Community of West African States (ECOWAS) and the Commonwealth.<sup>203</sup> In particular, the ECOWAS Protocol on Democracy and Good Governance requires the government to: refrain from acts of political violence or intimidation; ensure transparency in the preparation and conduct of elections; provide for the hearing of petitions related to the conduct of elections; and cooperate with civil society to educate the public on the need for peaceful elections.<sup>204</sup> The New Partnership for Africa's Development (NEPAD) offers a platform for foreign governments to encourage the Nigerian government to

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<sup>198</sup> "PDP Summons Plateau Governor over Violence," *This Day*, March 11, 2003. See also "Anti-Dariye Protesters Clash, Thugs Take over PDP National Secretariat," *This Day*, March 8, 2003.

<sup>199</sup> See Human Rights Watch/CLEEN report, "The Bakassi Boys: The Legitimization of Murder and Torture," May 2002.

<sup>200</sup> Human Rights Watch interviews, Kano, February 1, 2003.

<sup>201</sup> Human Rights Watch interview, Kano, February 3, 2003.

<sup>202</sup> International Covenant on Civil and Political Rights, art. 25, acceded to by Nigeria July 29, 1993; African Charter on Human and Peoples' Rights, art. 13, ratified by Nigeria June 22, 1983.

<sup>203</sup> See Harare Commonwealth Declaration, signed by Commonwealth Heads of Government, October 20, 1991, available at <http://www.thecommonwealth.org/whoweare/declarations/harare>; ECOWAS Protocol A/SP1/12/01 on Democracy and Good Governance, Dakar, December 2001, available at [http://www.iss.co.za/AF/RegOrg/unity\\_to\\_union/ecowas.html](http://www.iss.co.za/AF/RegOrg/unity_to_union/ecowas.html).

<sup>204</sup> See ECOWAS Protocol Section II (Articles 2-10).

respect human rights, and to maintain pressure on the government when it fails to do its utmost to prevent political violence or commits other violations of human rights. The much-touted African Peer Review Mechanism (PRM), an initiative of the African Union under NEPAD, purports to be an instrument for African governments to monitor each other's governance. President Obasanjo has been one of the main African leaders at the forefront of this initiative, and is the chair of the NEPAD implementation committee. Other African governments' response to the conduct of Nigerian elections offers a chance for them to prove their renewed commitment to human rights and good governance.

In addition to maintaining continued pressure on the Nigerian government to respect human rights, foreign governments and intergovernmental organizations have a role to play in providing financial and technical support for election-related programs in Nigerian government and civil society. Among others, the United Nations Development Programme (UNDP), the European Union (EU), the Commonwealth, and the governments of the United Kingdom and the United States have provided some form of assistance. While the number of election monitors sent by foreign governments and intergovernmental organizations is far less than the number that will be fielded by Nigerian organizations, international monitoring offers an opportunity for the international community to publicly encourage the consolidation of democracy in Nigeria and publicize and denounce abuses they might observe.

Delegations from the EU, the Commonwealth, and organizations funded by the U.S. government will be among those present at the polling booths in Nigeria in April and May. The EU will field the largest international delegation for national assembly, presidential, gubernatorial, and state house of assembly elections. Its ten-person "advance team" arrived in Nigeria one month ahead of elections; one week later a group of thirty-six observers was to arrive and disperse throughout the country, to be followed by sixty additional "short-term observers...who will follow the last phase of the election campaign, administrative preparations, election days and the post-election period."<sup>205</sup> The United States has provided funding for a joint Carter Center/National Democratic Institute delegation as well as a mission from the International Republican Institute. Together, they will field a total of about fifty observers for the national assembly elections and one hundred for the presidential and gubernatorial elections on April 19;<sup>206</sup> they will not be present for voting for the state houses of assembly. The Commonwealth also planned to have twenty-two observers arrive in the country nine days in advance of elections, to remain most likely until April 25, thereby also missing the state house of assembly elections.<sup>207</sup>

Unfortunately, none of these groups had plans to monitor local government elections, despite the likelihood that competition for local government seats was likely to be highly contentious and the importance of local government to citizens' daily lives. Only the Commonwealth Local Government Forum was planning to disperse about five to ten people through the country to monitor local government elections.<sup>208</sup>

The UN Electoral Assistance Division (UNEAD) of UNDP has provided technical expertise to INEC, in the form of a long-term expert in general election management, as well as experts on coordination of election observers and public affairs. UNEAD is also supporting plans for Nigerian NGOs to monitor elections through the Transition Monitoring Group (TMG), a civil society coalition of dozens of Nigerian NGOs planning to field ten to fifteen thousand monitors for the elections. In addition, UNEAD is collaborating with TMG and Cresnet, a network of conflict resolution professionals, on civic, voter and peace education campaigns across Nigeria. The EU has provided 6.5 million Euros (approximately \$US 7.1 million) and the U.K.'s Department for International

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<sup>205</sup> EU Press Release, "EU will observe Parliamentary, Presidential and States' Elections in Nigeria," March 5, 2003.

<sup>206</sup> Human Rights Watch telephone discussions with representatives of National Democratic Institute and International Republican Institute, March 11, 2003.

<sup>207</sup> Human Rights Watch telephone conversation with Christopher Child, Deputy Director, Political Affairs Division, Commonwealth Secretariat, March 13, 2003.

<sup>208</sup> Human Rights Watch telephone conversation with Carl Wright, Director, Commonwealth Local Government Forum, March 12, 2003.

Development (DFID) 1 million Euros (approximately \$US 1.1 million) for the overall UN election assistance project in Nigeria.<sup>209</sup>

In addition to its funding for UNEAD, DFID has supported work by the International Foundation for Electoral Systems (IFES) to build the capacity of the state independent electoral commissions (SIECs), which are responsible for conducting local government elections. DFID has spent approximately £3 million (approximately \$US 4.76 million) on election-related activities in Nigeria.

The U.S. Agency for International Development (USAID) has supported a long-term conflict prevention and rapid response program in Nigeria, in large part through a contract with Idasa, a South African NGO, which has focused on resolving political conflicts in the lead-up to election. In collaboration with the News Agency of Nigeria (NAN), Idasa is creating a communication network of journalists and researchers who will quickly gather and compile information on incidents of political violence, enabling rapid information distribution and response by security services and conflict prevention and resolution groups.<sup>210</sup> A piece of the funding for this network also comes from DFID. In addition, USAID has funded civil society strengthening through the Centre for Development and Population Activities and training for poll workers through IFES.

## IX. RECOMMENDATIONS

### To the Government and Security Forces

The Nigerian Government and Security Forces are urged to:

- Diligently pursue the investigation and prosecution of people suspected of participating in political violence, including both the organizers and the perpetrators of political violence, regardless of political affiliation.
- Prevent government institutions, such as the federal police, from being used by individual politicians seeking to advance their own political interests. Police with electoral duties must enforce the law impartially, without regard to a perpetrator's political affiliation.
- Continue to make statements condemning political violence and promote campaigns to prevent political violence.
- Deploy security forces impartially and in sufficient numbers to ensure security for voters and candidates.
- Ensure the security of independent and party-based election monitors and facilitate their work on election days.
- In the case of outbreaks of political violence, arrest only those persons engaged in illegal acts, and do not resort to extrajudicial executions or other excessive use of force in containing violence or effecting arrests. When police do commit abuses, they must be prosecuted.
- Promote cooperation between the Police Service Commission (PSC) and the Nigeria Police Force to discipline officers who break general police guidelines or the PSC's "Guidelines for the Conduct of Police Officers on Electoral Duty in Nigeria."
- Consider appropriate law reform in the aftermath of elections to ensure an environment of respect for human rights during future election periods. Strengthening INEC's independence, including a requirement that commission members be drawn from across the political spectrum, would help reduce grievances that can lead to violence. Strengthening the independence of the PSC could enhance accountability within the police department and thereby reduce police-instigated violence in the election context.
- Strengthen campaigns to increase public awareness of voting procedures.

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<sup>209</sup> Human Rights Watch interview with representative of the UN Electoral Assistance Project in Nigeria, Abuja, February 18, 2003.

<sup>210</sup> Human Rights Watch interview with Anastasia White, Conflict Specialist, Idasa, Abuja, February 19, 2003.

There are several steps that INEC can take to address concerns of politicians, their supporters, and ordinary citizens, which will help reduce the likelihood of violence erupting on election days or in the aftermath. These include:

- Introduce transparency into the process of counting ballots and returning results. The state independent electoral commissions (SIECs) are also urged to finalize plans for local elections as soon as possible, providing for a transparent electoral process.
- Facilitate the work of independent election monitors and party observers on election days, and ensure that the criteria and guidelines for participation have been clearly explained in advance and are closely followed.
- Continue to encourage parties to avoid electoral violence, intimidation and fraud, and monitor their compliance with the political parties' code of conduct.
- Ensure that INEC staff, including temporary staff, who participated in abuses during the voter registration exercise are not employed again during the general elections.

### **To the Political Parties**

Political parties and candidates are urged to:

- Discourage political violence by party supporters, publicize opposition to political violence, and assist the authorities in investigating any acts of political violence that occur.
- Deploy party election monitors according to INEC requirements, and ensure that they cooperate with security forces, election officials, independent monitors, and especially with monitors from the other parties.
- Be vigilant in the period following elections to prevent acts of political violence by political supporters. Candidates should use proper legal channels to pursue any electoral complaints.
- Refrain from making unfounded accusations against political opponents when political associates are killed or attacked.
- Initiate investigations and party disciplinary action, as appropriate, in addition to cooperating with criminal investigations, when party members are accused of violence.
- Refrain from invoking religion, ethnicity or "indigene" status to build political support or erode opponents'.
- For future elections, strengthen (or abide more closely by) constitutional provisions that create more transparent methods of reporting primary results.
- Sign on to the political parties' code of conduct developed in cooperation with INEC, and abide by and continue to develop provisions that prohibit violence and require respect for human rights.

### **To Foreign Governments and Intergovernmental Organizations**

Foreign governments, including other African countries, the United States and the United Kingdom, and intergovernmental organizations such as the United Nations, the African Union and the European Union are urged to:

- Maintain pressure on the Nigerian government to prosecute perpetrators of political violence and other human rights violations, not only in high profile cases but also in documented cases of violent clashes by small "armed forces" used by politicians.
- Publicly emphasize the importance of violence-free elections.
- Ensure that international observer delegations remain in place long enough to include post-election events in their election assessment, as well as reporting on incidents of political violence leading up to the elections.
- Seek to deploy observers for local government elections.
- Report publicly and candidly all observations of international observer delegations.
- African countries participating in NEPAD's Peer Review Mechanism are particularly encouraged to maintain pressure on the Nigerian government to end impunity for rights violations, including political violence.



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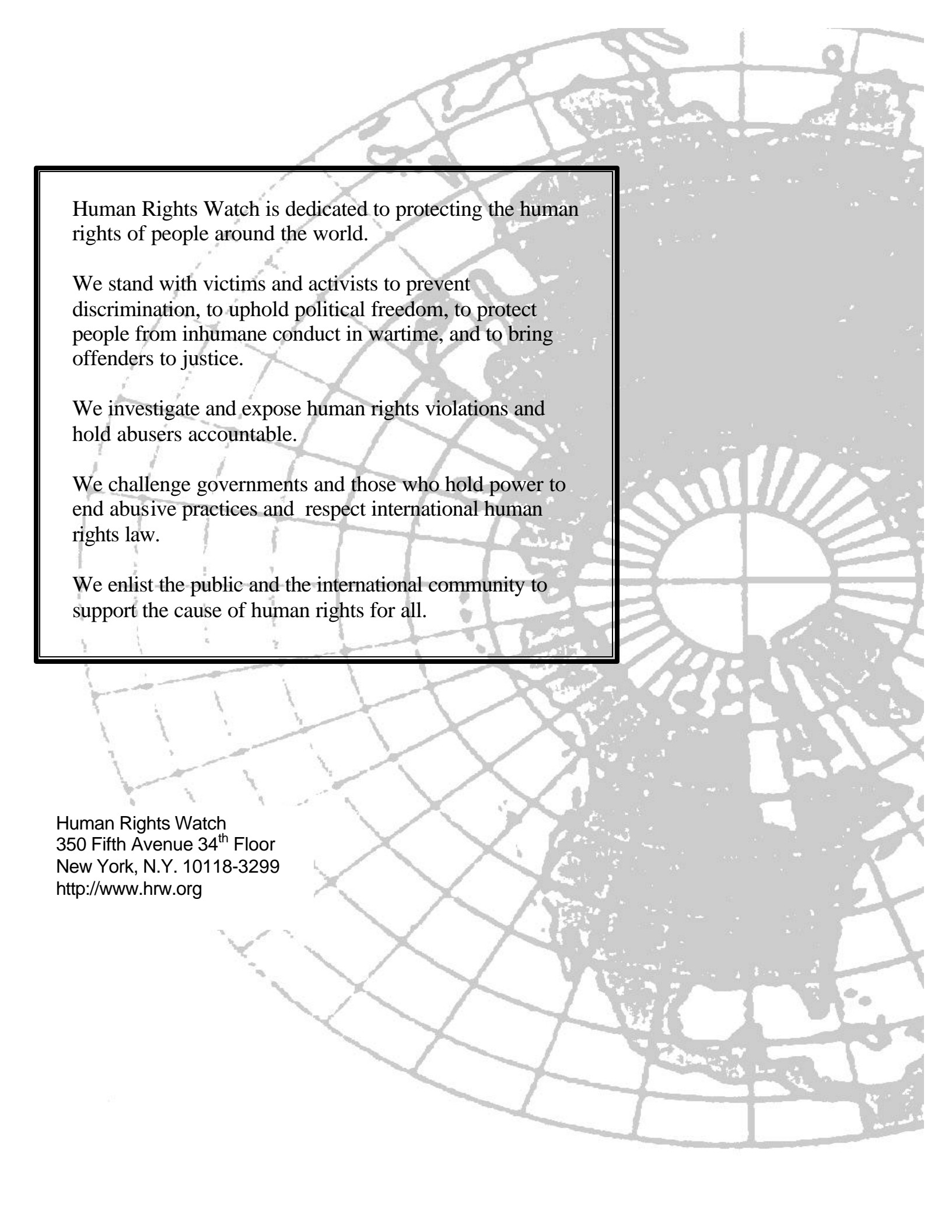
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