



**REPORT OF**  
**NIGERIA'S**  
**2019 General Elections**





# **Report of Nigeria's 2019 General Elections**

2019 Nigeria Civil Society Situation Room

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# Table of Contents

<b>Executive Summary</b>	<b>1</b>
<b>Part One</b>	<b>9</b>
The Context of the 2019 General Elections	9
Key Issues Ahead of the Elections	11
<b>Part Two</b>	<b>17</b>
Managing the Elections	17
<b>Part Three</b>	<b>25</b>
2019 Elections Measured Against Situation Room Thresholds	25
<b>Part Four</b>	<b>43</b>
Conclusion	43
Recommendations	43
<b>Appendices</b>	<b>47</b>
<b>Appendix A:</b> List of Situation Room Members	47
<b>Appendix B:</b> Situation Room Statements on the 2019 General Elections	53
<b>Appendix C:</b> Breakdown of Registered Voters Before the Elections & at Collation of Presidential Election Results	85

# Table of Contents

<b>Appendix D:</b> Accredited Voters versus Total Votes Cast based on INEC's Announcements at the National Collation Centre (Between 25 & 27 February 2019)	87
<b>Appendix E:</b> Cancelled Votes & Reasons For Cancellation Based On INEC's Announcement at the National Collation Centre Between 25-27 February 2019	90
<b>Appendix F:</b> Nigeria Civil Society Situation Room Threshold for the 2019 Nigeria Elections	94
<b>Gallery</b>	<b>104</b>

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# Acronyms and Abbreviations

<b>AAC</b>	African Action Congress
<b>ACPN</b>	Allied Congress Party of Nigeria
<b>ANN</b>	Alliance for New Nigeria
<b>APC</b>	All Progressives Congress
<b>CASE</b>	Content Aggregate System on Elections
<b>CSO</b>	Civil Society Organisation
<b>CVR</b>	Continuous Voters' Registration
<b>DSS</b>	Department of State Security
<b>ECONEC</b>	ECOWAS Network of Electoral Commissioners
<b>ECOWAS</b>	Economic Community of West African States
<b>FCT</b>	Federal Capital Territory
<b>ICCES</b>	Inter-Agency Consultative Committee on Election Security
<b>IGP</b>	Inspector-General of Police
<b>INEC</b>	Independent National Electoral Commission
<b>IRI</b>	International Republican Institute
<b>LGA</b>	Local Government Area
<b>NDI</b>	National Democratic Institute
<b>NJC</b>	National Judicial Council
<b>NTA</b>	Nigerian Television Authority
<b>PDP</b>	Peoples Democratic Party
<b>PU</b>	Polling Unit
<b>PVC</b>	Permanent Voter's Card
<b>SCR</b>	Smart Card Reader
<b>YPP</b>	Young Progressives Party





# Executive Summary

With the relative success achieved in the 2015 general elections, the Nigerian electorate was hopeful that a standard had been set, below which future elections should not fall. The 2019 elections were, therefore, supposed to be a consolidation of the gains made in 2015. Instead of this happening, the Nigeria Civil Society Situation Room's observation of the 2019 general elections reveal serious shortcomings that questioned the credibility of the exercise.

To help define a common expectation from the elections, Situation Room issued a Threshold Document for a Credible Election,<sup>1</sup> which stipulated minimum requirements for credible elections in 2019, drawing from local and international frameworks. These requirements border on the following issues: Non- Partisan Security Agencies, Voter Register Integrity, Card Reader Failure during elections, Transparent results collation, efficient and accountable election Administration, Political parties, No restrictions on opposition campaigns and violence mitigation and electoral accountability.

These standards were grouped under obligations to be fulfilled by the Independent National Electoral Commission (INEC), the political parties, the security agencies and other state institutions. From the lapses noted during the observation of the 2019 general elections, it is the conclusion of the Situation Room that the elections failed to meet the threshold for a credible election. This poses serious questions about the future of elections in Nigeria and quality of democracy in Nigeria.

On a positive note, it was an election in which citizens were determined and mobilised to exercise their votes including excluded groups such as women, persons with disabilities (PWDs), young people, etc. This positive excitement was however truncated by the unexpected postponement of elections from the initial dates set.

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1. Nigeria Civil Society Situation Room, *Threshold for the 2019 Nigeria Elections*, February 2019. [http://www.placng.org/situation\\_room/sr/wp-content/uploads/2019/01/Situation-Room-Threshold-for-the-2019-Nigeria-Elections.pdf](http://www.placng.org/situation_room/sr/wp-content/uploads/2019/01/Situation-Room-Threshold-for-the-2019-Nigeria-Elections.pdf)

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## Independent National Electoral Commission

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INEC operations fell short of its expected role and obligations as set in the Threshold Document. Logistical and operational challenges marred the credible conduct of the elections. The first sign of this flaw manifested with the unexpected postponement of the elections in the early hours of the very day they were to begin, on Saturday, February 16, 2019.

Postponing voting about six hours to the start of polls did more than expose how ill-prepared INEC was, it also dampened the nationwide enthusiasm that had built up for the elections. It made it impossible for many who had travelled earlier to vote in their constituencies to make a second trip, exacerbating voter apathy.

The collation of results, another major weakness of Nigerian elections, remained a concern throughout the elections, with observers reporting interference with the process, especially by political parties and security agencies and oftentimes with the active participation of INEC officials. Data in the voters' register as well as results figures declared by INEC threw up several glaring discrepancies that have yet to be explained. There were also differences between the number of accredited voters and the total number of votes cast in many polling units. In a similar vein, Situation Room observed that there was significantly more votes cast in the presidential elections than was cast in the National Assembly elections

which took place simultaneously with the presidential election.

Furthermore, a close scrutiny of the registration numbers given by INEC reveals discrepancies between the total number of registered voters announced before the election and the total number of registered voters announced by INEC during the collation in 30 of Nigeria's 36 states. Many of the lapses that were observed could have been taken care of if the Electoral Act amendment passed by the National Assembly had been signed into law and put into use.

In spite of the postponement and assurances by INEC on its readiness, major shortcomings still undermined the conduct of the elections. There were significant delays to the start of voting due to challenges in deploying electoral staff and materials, and many cases where materials supplied to polling units were incomplete, and perceived in some quarters as deliberate acts of vote suppression.

Reports received by Situation Room from its network of observers and partner organisations indicated that INEC officials and materials did not reach a significant number of polling stations across the country until about 11am<sup>2</sup>. Voting ended late in many places, delaying collation and leaving room for malpractices.

More so, the election day was characterised by localised incidents of voter intimidation, ballot box snatching and destruction, and general voter

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<sup>2</sup> Third Interim Statement of Situation Room issued 25 Feb 2019 by 9am

apathy as the national voter turnout rate dipped from 43.7% in 2015 to just 35.6%.<sup>3</sup> Though not directly a responsibility of INEC, the inability of INEC to speak out in real time about these challenges and indiscriminate cancellation of election returns without clear explanation called into question INEC's good faith. It is worth noting that since 2003, voter turnout has progressively decreased in each electoral cycle. This is a concern given the increase in the number of political parties from 28 to 91, the increase in voter registration (from 68,833,476 to 84,004,084), and rise in permanent voter card (PVC) collection rates (from 82.03% to 86.63%) between 2015 and 2019.<sup>4</sup>

Situation Room acknowledges the efforts made by INEC toward building an accurate and inclusive register through its continuous voter registration, the public verification of the register and the issuance of voter cards. However, there were still identified challenges such as long queues and a tedious process that made registration and PVC collection a challenging experience for the electorate.

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## The Political Parties

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The 2019 general elections saw a record

3 <https://www.inecnigeria.org/wp-content/uploads/2019/03/2019-GE-PRESIDENTIAL-ELECTION-RESULTS.pdf>

4 CDD West Africa Election Analysis Centre, *Preliminary Report- Counting Votes: Ward-level Collation during Nigeria's 2019 Election*, 4 March 2019. P.1. Available at: <http://www.cddwestafrica.org/wp-content/uploads/2019/03/Counting-Votes-Ward-level-collation-during-Nigeria's-2019-election.pdf>

number of 73 political parties contesting for the presidency. While a few of the parties conducted primaries to select their candidates, most failed to conduct transparent primaries, leading to allegations of imposition of candidates.

Although the campaigns were robust, several of the parties that had candidates on the ballot failed to show that they were seriously competing in the elections, meaning that the two main political parties – the incumbent All Progressives Congress (APC) and the main opposition party – the Peoples' Democratic Party (PDP), dominated the campaigns. The Situation Room observation showed flagrant abuse of electoral laws by the two main political parties including vote buying, intimidation, use of hate speech and fake news. The inability of the political parties to play by the books contributed in no small way to heating up the polity during the elections.

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## Militarisation of the Elections

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The Situation Room observers noted military involvement in the elections outside of the limits allowed by law. Section 29(3) of the Electoral Act specifically states that military involvement in the elections shall only be at the request of INEC and only for the purpose of securing the distribution and delivery of election materials and protection of election officials. The Situation Room Threshold Document

therefore called for security deployment that was under the operational control of INEC in accordance with the provisions of the Electoral Act.

In apparent contravention of this, troops were deployed nationwide during the elections, without any clear coordination with INEC and with President Buhari warning that people who would attempt to snatch ballot boxes risked paying with their lives, a statement the army chief said he would heed.<sup>5</sup> In places like Rivers State, the military posed significant challenges and obstructions to the performance of election duties by INEC officials. Situation Room received reports of incidents of partisan involvement in the elections by the military, particularly in Rivers State.

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## State Institutions

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There are questions about the role played by the executive arm of government as well as other state institutions, such as the military and the security services, and their deleterious effect on the credibility of the elections.

President Buhari's decision to remove Chief Justice Walter Onnoghen with weeks to go before the election gave a major jolt to the polity and cast a shade on the electoral process, given the role the judiciary plays in adjudicating elections. Whatever the ostensible reasons provided by the executive for its

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5 Samuel Ogundipe, "Snatch ballot boxes and lose your life — Buhari", *Premium Times*, February 19, 2019. Available at: <https://www.premiumtimesng.com/news/headlines/313529-breaking-s snatch-ballot-boxes-and-lose-your-life-buhari.html>

move against the judiciary, the decision was dogged by the suspicion that there were other unspoken, ulterior motives behind it.

The security forces, especially the Department of State Services – the state security police – but also the military and the police on many occasions put themselves in overbearing roles on behalf of partisan interests.<sup>6</sup>

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## Conclusion

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This report presents the analysis of the various findings by the Situation Room in the course of the elections. It has also taken steps to highlight the inconsistencies in the electoral process. As a key player with vested desire in improving the credibility and legitimacy of elections in Nigeria, the Situation Room had developed and published the Threshold Document for the 2019 Nigeria Elections, outlining the minimum requirements for evaluating the credibility of Nigerian elections.

Out of the 8 criteria, there is significant non-compliance with 5 of them.<sup>7</sup> It is our reasoned conclusion that the elections did not meet the credibility threshold based on the patterns of abuse of process

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6 CLEEN Foundation, "Post Election Statement On The 2019 Presidential And National Assembly Elections", 24 February 2019. Available at: <https://cleen.org/2019/02/24/cleen-foundations-post-election-statement-on-the-2019-presidential-and-national-assembly-elections/>

7 Situation Room Threshold guidelines that were not met included: Non- Partisan Security Agencies, Voter Register Integrity, Card Reader Failure during elections, Transparent results collation and efficient and accountable election Administration.

and the consequent lack of integrity observed.

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## Recommendations

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### Legal Framework/ Enforcement of Rules

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1. INEC should work together with civil society organisations to immediately commence the push for reforms in the electoral process, working closely with all critical stakeholders. It is imperative that INEC, through its review of the 2019 election process and the expressed concerns of Nigerians seriously pursues a concerted alliance and collaboration with stakeholders, including the National Assembly, CSOs, political parties, the executive and the media, to achieve lasting reforms to the Electoral process.
2. The Electoral Act (Amendment) Bill passed by the National Assembly and declined by the President, should be re-introduced, passed by the National Assembly and transmitted to the President for Assent.
3. The Executive should commit to passing reforms proposed in the Electoral Act (Amendment) Bill and also champion a credible implementation of the recommendations in the 2008 Electoral Reform Committee Report, otherwise known as the Uwais Report.
4. Noting the absence of robust enforcement of election rules, which

gives incentive to impunity, Nigeria should urgently undertake the process of strengthening the framework for electoral accountability. In this regard, the National Assembly should fast track the process of passing the Electoral Offences Commission Bill. The legal framework for political and campaign finances should be reviewed to ensure greater transparency, accountability and fairness.

In addition, amendments to the Electoral Act should include altering section 68, that gives unquestioning powers to the Returning Officer to declare results for an election even where such Returning Officer may have done so dubiously or as a result of coercion. Criminal infractions committed en route to the declaration of results should also compel the review of results announced from such incident without requiring that remedial action be only possible through litigation at either the election Tribunal level or in the Courts.

5. INEC should take steps to ensure the uniform and firm application of the electoral rules across all regions, stakeholders, and institutions during elections. In particular where the system makes enforcement difficult, INEC should take steps to at the least, call out erring institutions or individuals.

## Election Administration

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1. There should be an independent inquiry into the poor management of the electoral process by INEC and other agencies involved in the conduct of the 2019 Nigeria General Elections. This independent inquiry should address amongst others issues; procurement, logistics management, the role of the security agencies and abuse of process by INEC officials. This is urgently needed to identify challenges and recommendations towards repairing the damaged credibility of Nigeria's electoral process. INEC should work with civil society and development partners to operationalise this enquiry.
2. Nigeria's election continues to be very expensive, the budget for the 2019 elections was 242.4 billion naira, with INEC receiving 189.2 billion naira, the Office of the National Security Adviser receiving 9.5 billion naira, the Department of State Services receiving 10.2 billion naira, Nigeria Security and Civil Defence Corps receiving 3.6 billion naira, Nigeria Police Force receiving 27.3 billion naira and Nigeria Immigration Service receiving 2.6 billion naira. These costs are not sustainable, it is important to open up national conversation on how to achieve sustainable costs for the conduct of elections in Nigeria.
3. The multiple number of political parties on the ballot for several of the elections including 73 for the Presidential election proved to be a logistical nightmare for INEC. There is a need for constitutional and electoral reform requiring parties to fulfil certain conditions before being on the ballot.
4. The failure of the Smart Card Readers in identified polling units should be interrogated with a special audit of the results of polling units where the cases of card reader failures were up to 5% or more.
5. Following its findings from the independent enquiry, INEC should overhaul its processes and systems for procurement and logistics for elections.
6. INEC should improve education of INEC officials and ad-hoc staff on its processes in administering elections. In particular, ensure that training is timely and institutionalised.
7. Civil Society should do more to hold INEC more accountable in terms of its preparedness for elections. The current system of disparate engagement with the electoral administration by CSOs should change to a more coordinated and systematic engagement that optimises collaboratively, the unique skills of CSOs.

## Polling and Collation

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1. Clear directives regarding the opening and closing times for voting should be issued by INEC in order to make the election process more predictable for voters.

2. INEC should conduct an in-depth review of the lapses in the collation process and take steps to improve the transparency of the collation process, particularly at the Ward level.

## **Election Security**

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1. INEC and security agencies need to ensure accountability for acts inimical to the integrity and credibility of the polls especially individuals complicit in the burning of INEC offices, election materials, snatching of ballot boxes and other electoral offences.
2. Particular instances of contrived voter suppression due to violence must be thoroughly investigated and perpetrators and their sponsors punished to the full length of the law. These allegations must be thoroughly investigated to restore faith in the process and address lingering social fractures that reinforce feeling of exclusion.
3. The Inspector General of Police and heads of other security agencies should urgently investigate allegations into security agents overreach in identified locations in the country. Such officers should be held personally accountable for infringing on the rights of citizens in the exercise of their franchise. In the same vein, the Situation Room also calls on the Inspector General of Police to carry out investigations on all political actors who instigated or perpetrated

violence leading to the needless loss of lives.

4. The Inter-Agency Consultative Committee on Election Security should deploy security personnel in line with security risk findings taking into consideration major flashpoints in future elections.

## **Political Parties**

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1. A major risk factor in this election has been impunity of the political class. INEC cannot deliver free and fair election without committed support by the political class. The level of violence, hate speech and general toxic political environment contradicts the commitment to the Peace Accord signed by political parties and candidates prior to the elections. Politicians should commit to respecting the rules of the election and under the current circumstance ensure that their followers do not act outside of the law with respect to election returns.

## **International Action**

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1. Situation Room calls for collaboration between election stakeholders and civil society organisations in Nigeria and the international community to help bring to account persons who subvert the electoral process as a result of their actions and activities. The recent decision by the United States government announcing visa

bans against persons infringing the electoral process and subverting the people's vote is commendable. There is a need for a worldwide adoption of the principle of visa restrictions against such persons. Situation Room calls on other countries to follow the United States' example.



# Part One

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## The Context of the 2019 General Elections

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As Nigeria headed to the 2019 elections, the stark challenge it faced was to meet or surpass the standards of electoral conduct it set in 2015. That was the year Africa's biggest democracy hit a watershed moment, bucking a history of disputed elections to deliver a vote that was not only widely adjudged credible but also resulted in the first peaceful transfer of power at the national level from one political party to another in the country's history.

The results also went unchallenged by the then incumbent President Goodluck Jonathan, for which he subsequently earned repeated praise from his successor, President Muhammadu Buhari. On taking office, Buhari had himself pledged to continue with efforts to strengthen the electoral process for even more credible elections. With Attahiru Jega's tenure ended as the chairman of the Independent National Electoral Commission (INEC) in 2015, Buhari nominated Professor Mahmood Yakubu to head the Commission and, almost immediately, preparations commenced for the 2019 general elections.

One of the important reforms Yakubu inherited from Jega was the use of biometric registration and the deployment of biometric card readers. Many analysts and reviewers of the 2015 vote did point to their role in giving credibility to the outcome. The Commission had also adopted a continuous voter registration process, which was meant for those not on the voter roll to get registered.

Many of these reforms were based on the lessons of previous elections, particularly the 2007 elections, which even its chief beneficiary, the late President Umaru Yar'Adua,

acknowledged were badly flawed. He subsequently laid the template for some of the reforms that followed, resulting in the celebrated 2015 vote.

It was against this background that preparations began, and expectations were formed, for the 2019 general elections, with the presidential vote initially scheduled for February 16, to be followed two weeks later by the gubernatorial elections.

However, there was a broader economic, social and political context to the elections. A critical factor had been the country's deteriorating economic situation. With an economy dependent on oil exports for almost five decades now, from which about 70% of all government revenue and more than 90% of all export income derive, Nigeria went into an economic shock as the price of the commodity plunged starting from 2014.

By the time Buhari took over in May 2015, the volume of revenue available to the government was already shrinking. Matters were not helped by the tense political situation in the Niger Delta, home to Nigeria's oil and gas industry, which by February 2016 saw the return of attacks by armed militants targeting oil-export infrastructure, cutting output by as much as half at a point.

The combination of shrinking oil output and plunging prices took a huge toll on the economy as the country slipped into

its first recession in 25 years in 2016. While the last two years saw improved growth, recovery remains sluggish, trailing the country's population growth rate and leaving Nigeria as the country with the highest number of poor people in the world - almost half of the entire population.<sup>8</sup>

The implications for these are visible in the worsening social crises across the country, with analysts making a link between the 10-year-old Boko Haram Islamist insurgency and the fact that the most-afflicted region – the northeast – is also Nigeria's poorest by all social and economic indicators.<sup>9</sup>

The restiveness previously associated with the Niger Delta oil region has become more widespread, with kidnapping for ransom - which first began there - now a nationwide phenomenon.<sup>10</sup>

In the northwestern States of Zamfara, Sokoto, Kaduna and Katsina, armed outlaws have become so powerful that they have formed armies of their own, killing hundreds of people at a time, requiring simultaneous military, aerial

8 Global Multidimensional Poverty Index 2019, *Illuminating Inequalities*, *Oxford Poverty & Human Development Initiative and United Nations Development Programme*. Available at: [http://hdr.undp.org/sites/default/files/mpi\\_2019\\_publication.pdf](http://hdr.undp.org/sites/default/files/mpi_2019_publication.pdf); World Data Lab, *World Poverty Clock*, 2019. Available at: <https://worldpoverty.io/index.html>

9 World Bank, "Nigeria: Overview" 9 April 2019. Available at: <https://www.worldbank.org/en/country/nigeria/overview#1>

10 John Campbell, "Nigeria's National Kidnapping Crisis is Expanding", *Council on Foreign Relations*, 5 December 2018. Available at: <https://www.cfr.org/blog/nigerias-national-kidnapping-crisis-expanding>

and ground assaults to dislodge them.<sup>11</sup>

Nomadic herders moving about in search of pasture have transformed into a guerilla force armed with AK-47s, instead of their traditional sticks, in their fight with farming communities over grazing rights, leaving many devastated communities in central Nigeria.<sup>12</sup> In the southeast, it is mainly unemployed youths that are driving a new secessionist movement for an independent state of Biafra.

It was in this social and political climate that the 2019 elections took place, with the army assisting the police in internal security duties in at least 29 of the country's 36 states.

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11 Al-jazeera, "Gangs kill dozens in series of attacks in northern Nigeria", 10 June 2019. Available at: <https://www.aljazeera.com/news/2019/06/gangs-kill-dozens-series-attacks-northern-nigeria-190610134420260.html>; Premium Times, "Zamfara: Nigeria Air Force bombs bandits' base, survivors", 7 April 2019. Available at: <https://www.premiumtimesng.com/news/headlines/324301-zamfara-nigerian-air-force-bombs-bandits-base-kills-survivors.html>

12 Punch Newspaper, "Disarming AK-47s bearing Fulani herdsmen", 23 January 2018. Available at: <https://punchng.com/disarming-ak-47s-bearing-fulani-herdsmen/>; Ewelina U Ochab, "Trump may not be wrong on the Fulani herdsmen crisis in Nigeria", Forbes 4 May 2018 Available at: <https://www.forbes.com/sites/ewelinaochab/2018/05/04/trump-may-not-be-wrong-on-the-fulani-herdsmen-crisis-in-nigeria/#5af881c355ef>

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## Key Issues Ahead of the Elections

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### INEC

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A central concern of all stakeholders was how to improve the integrity of the electoral process. Several by-elections and state governorship elections were run under the new INEC leadership that provided it with the practical tests and rehearsals it needed ahead of the national elections. Those elections did throw up some controversy about the electoral process and INEC's work in the build-up to the elections.

One of the deficiencies in the electoral process that became apparent after the 2015 vote was the use of incident forms for voters who could not be identified using card readers. The result was that more people voted without biometric identification than those who did, raising questions about the true identity of those voters. Images and videos were obtained by election observers as well as citizens showing many cases of underage voters in parts of the country.

Part of the problem was that the use of electronic card readers was not properly backed by law, and this required an amendment to the existing electoral law to insert the appropriate provisions. Efforts were made through the legislature to make the necessary amendments. There were provisions making the use of card readers mandatory and dispensing with the use of any alternative. There was also a requirement that results declared at

polling units be transmitted electronically to specified centres to prevent tampering.

Unfortunately, the amendment process got caught in the political dispute between the executive and the leadership of the legislature, with the result that President Buhari never found satisfaction in any of the four versions, including the final draft made with inputs from his office and the electoral commission.

The consequence was that the 2019 elections were run with the identified imperfections of the last electoral law unchanged. INEC tried to restore some measure of confidence in the process by its insistence that only those authenticated with card readers would be allowed to vote. However, the results were to be officially transmitted manually from the polling stations, with all the known risks of alteration and falsification of figures.

Questions were, as well, raised by some opposition parties about the neutrality of INEC. One of the grounds for criticism was the membership of INEC by Amina Zakari, one of the Commission's commissioners, who it was alleged is a niece of President Buhari. Though Zakari was appointed into the Commission under Buhari's predecessor, Jonathan, there was an uproar by the opposition when she was named the Commissioner in charge of results collation for the presidential vote.

It was in those circumstances that the presidency issued a statement denying that Zakari was a blood relation of Buhari, saying she was only related to the President by marriage. For many critics of the President, the establishment of any form of relationship between them is

enough ground for conflict of interest.

Concerns about a credible poll were also raised because of the manner in which state elections were conducted in the southwestern states of Ekiti and Osun in July and September 2018, respectively. What came to the fore was the practice of paying for votes by the two leading parties, the APC and the PDP. In the end, the APC prevailed on both occasions largely due to the partisan role of security forces, according to the opposition, a claim largely substantiated by the reports of election observers.

## **The Security Forces**

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In the circumstances, both the Nigerian military and the police had cause to make public declarations that they will be neutral and not take sides with any candidate, candidates or political party during the elections. Normally the impartiality of the armed forces and the police should be beyond question, given that their loyalty is to the state, the sovereign, which is the people and not the person elected into office.

Concerns were raised when all the heads of the various arms of the military as well as the then Inspector-General of Police attended the launch of Buhari's presidential campaign in November. The presidency's response to public criticism over this was to issue a statement saying the presence of the service chiefs at the launch was unintended.

Before then, the behaviour of the Police under the former Inspector General Ibrahim Idris, who retired in January

2019, drew public concern. Under him, policemen had supported minority lawmakers of the APC in July 2018, to take over the legislature in Benue state in an unsuccessful bid to unseat Governor Samuel Ortom, who had switched allegiance to the PDP.<sup>13</sup>

It was hardly surprising when the following month the same template was applied at the National Assembly as the Department of State Security (DSS) sent masked gunmen to take over the legislative building in a bid to aid the removal of Senate President Bukola Saraki and Speaker of the House of Representatives Yakubu Dogara, both of whom had fallen out politically with Buhari and the APC, their former party.<sup>14</sup>

In the case of the National Assembly, sanity was restored after the Vice President Yemi Osinbajo, who was acting resident while Buhari was away on medical leave, fired Lawal Daura, the head of the DSS, for the clearly unconstitutional action. On an earlier occasion in July, the Police had sealed off access to the residence of Saraki on a day it was anticipated he was going to announce his exit from the ruling APC to the opposition PDP.<sup>15</sup>

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13 The Cable, "Eight APC lawmakers attempt to impeach Ortom", 30 July 2018. Available at: <https://www.thecable.ng/breaking-eight-benue-lawmakers-attempt-impeach-ortom>

14 Azimazi Momoh Jimoh et al, "DSS operatives lay siege to National Assembly", *The Guardian Newspaper*, 8 August 2018. Available at: <https://guardian.ng/news/dss-operatives-lay-siege-to-national-assembly/>

15 Leke Baiyewu, "Police, DSS lay siege to Saraki, Ekweremadu's homes", *Punch Newspaper*, 24 July 2018. Available at: <https://punchng.com/breaking-drama-as-police-block-sarakis-convoy/>

Police redeployment of its state commissioners less than two weeks before the 2019 elections was viewed with suspicion by opposition parties and some observers. Among other things, the redeployment exercise brought to the fore the matter of Police Commissioner Kayode Egbetokun, who was Commissioner of Police in Osun state at the time elections held there in September 2018 and was accused of partisan behaviour favouring the ruling APC. His assignment to Lagos State in January 2019 by the former head of Police was aborted and he was later sent to Kwara state, resulting in opposition protests that he had been posted there to facilitate APC victory in the state. In sum, there were situations where security officials were unable to earn and retain the trust of all contending parties, thereby threatening peaceful and credible elections.

It was against this background that the military's declaration of its neutrality was considered reassuring by many observers. While troops were being deployed to various duties and exercises around the country, the purpose was purely to ensure security and peaceful casting of ballots, according to the Defence Headquarters spokesman Brigadier-General John Agim.<sup>16</sup> The Acting Inspector General of Police Mohammed Adamu made a similar comment, pledging the Police would do their constitutional duties without

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16 ChannelsTV, "General Elections: Defence Headquarters warns Military to be apolitical", 7 February 2019. Available at: <https://www.channelstv.com/2019/02/07/general-elections-defence-headquarters-warns-military-to-be-apolitical/>

favouring any political party.<sup>17</sup>

## The Parties

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While a total of 73 political parties had put in candidates for the presidency, it was only the ruling APC and the main opposition PDP that had a mathematical chance of winning. Both parties, knowing that, targeted each other in a mud-slinging campaign that contributed to heightened tensions and the prospects for violence and disputed elections.

Some of the worst excesses manifested on the social media, were fake news and hate speech. For instance, a presidential aide tried to pass off road construction work being done in other countries as the handiwork of the government on Twitter. The opposition showed casualties of wars in other countries and labelled them government troops killed by Islamist militants. These are just two examples.<sup>18</sup>

In the face of mounting tension, the National Peace and Reconciliation

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17 Joseph Erunke, "Police'll be professional, neutral, firm, IGP Adamu reassures", Vanguard Newspaper, 22 February 2019. Available at: <https://www.vanguardngr.com/2019/02/police-ll-be-professional-neutral-firm-igp-adamu-reassures/>

18 Samson Toromade, "Fake news will be weaponised for 2019 elections, and you should absolutely fight it", Pulse.ng 15 November 2018. Available at: <https://www.pulse.ng/news/politics/fake-news-will-be-weaponised-for-2019-elections-and-you-should-absolutely-fight-it/cvjceej>; Timileyin Omilana, "Fake News: PDP uses old AP picture to attack Buhari", The Guardian Newspaper, 3 December 2018. Available at: <https://guardian.ng/news/fake-news-pdp-uses-old-ap-picture-to-attack-buhari-over-boko-haram/>

Committee, under the chairmanship of former head of state retired General Abdulsalam Abubakar, got the candidates in the Presidential election to sign up to a peace accord agreeing to concede if they lost the election. The two top candidates were both signatories to the accord.

Despite signing that agreement, Buhari was not categorical in his answer when asked if he would concede victory if he lost. His response was that he would always win a free and fair election, effectively avoiding an answer. The PDP candidate, Abubakar, on his part said he will only accept if the vote was free and fair, but did not say who will make this determination for him to find it acceptable.

Clashes between supporters of both parties increased in frequency as the elections approached. In the month before the vote alone, clashes were reported in a number of States including Bauchi, Taraba, Kwara, Edo, Delta, Benue, Oyo and Abuja, the capital.<sup>19</sup>

The PDP dogged every step of INEC with suspicion, questioned its neutrality and tried to tie it to the government at every turn. APC argued that the strategy was to call the election preparations into question in order to set the stage for disputing it if the opposition party lost.

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19 Dare Odufowokan, "2019 Polls: Kwara in the throes of violence", The Nation Newspaper, 20 January 2019. Available at: <https://thenation-onlineng.net/2019-polls-kwara-throes-violence/>; Itodo Daniel Sule et al, "Political violence rocks Kogi, Oyo, Delta States", Daily Trust 4 February 2019. Available at: <https://www.dailytrust.com.ng/political-violence-rocks-kogi-oyo-delta-states.html>

PDP officials cited their experience in some state elections where INEC made questionable calls, particularly in Osun, to back up its suspicion.

This attitude of distrust toward the umpire by one of the major contending political parties created an unhealthy atmosphere filled with suspicion ahead of the elections. That was an ingredient that was missing in 2015, when the major contending parties had relatively more confidence in the impartiality of INEC under Jega.

## State Actions

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When the Code of Conduct Tribunal announced in a January 11, 2019 statement that charges had been filed before it against then Chief Justice Walter Onnoghen for false declaration of assets, the whole nation was jolted.

Apparently, a non-governmental organisation run by an individual who once worked for the Buhari campaign, filed a petition against Onnoghen on January 9, 2019.<sup>20</sup> It was investigated the next day and charges were filed on the second day, with the head of the judicial arm of government scheduled to stand in the dock on January 14, to hear his charges read and take a plea. Along with the charges, a motion was also filed for Onnoghen to vacate his seat and handover to the next in rank.

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20 Niyi Odebode, Olusola Fabiyi et al, "Onnoghen's travails: Why I filed petition against CJN, says Buhari's ex-spokesman", *Punch Newspaper*, 13 January 2019. Available at <https://punchng.com/onnoghens-travails-why-i-filed-petition-against-cjn-says-buharis-ex-spokesman/>

Legal minds were quick to fault the procedure adopted against the Chief Justice, citing constitutional provisions that any complaint against a judicial officer of that rank shall be made first to the National Judicial Council (NJC). Upon the NJC's confirmation of the allegations against such an officer, not only will disciplinary measures be taken, such a person would also be subject to criminal prosecution afterwards.

Opposition parties raised the alarm that the Buhari government's intention was to impose a pliant Chief Justice who would be used to put a judicial seal on plans to rig the elections. The action of the government, coming just weeks before national elections, and in apparently orchestrated haste, definitely did give reason for suspicion.

These suspicions were only heightened when on January 18 2019, President Buhari announced the suspension of Onnoghen from office and swore in the next in rank in acting capacity, citing an ex-parte court order by the Code of Conduct Tribunal. Again, this was a violation of constitutional provisions that the Chief Justice can only be removed, if the President wishes, with the support of two-thirds of the Senate.

Ibrahim Mohammed, the acting Chief Justice, went on the next day to inaugurate tribunals that would oversee election petitions, giving credibility to the suspicion that that partly motivated the action against Onnoghen.

For a government that repeatedly disobeyed valid court orders in the

past, the alacrity with which it obeyed what seemed at face value a dubiously procured order, played into the hands of conspiracy theorists. The opposition as well as impartial observers had no choice but to condemn the actions of the government.

The governments of the United States and the United Kingdom as well as the European Union issued separate statements condemning the suspension of the Chief Justice, pointing out that it casts a pall on the credibility of the coming vote, urging respect for the constitution. The government reacted angrily, saying it would not tolerate interference in Nigeria's internal affairs.<sup>21</sup>

Taking the argument about foreign interference further, APC member and Kaduna state Governor Nasir el-Rufai, while appearing on state-owned television NTA, warned that any foreigners who intervened in Nigeria should be ready to go back in body bags.<sup>22</sup> Many people saw this as intemperate language, the sort that could heat up the polity and incite people to violence.

Put together, all these events and factors generated a strong sense of apprehension

in the populace and among local and international observers over whether a peaceful outcome could be achieved from the elections given the circumstances.

While it was the duty of all stakeholders to follow the institutional processes as well as the spirit and letter of the law, it was particularly the responsibility of the government to ensure that the elections were organised in such a transparent and credible manner as to win the confidence of the opposition in the electoral process. This was the minimum that the practice of democracy demanded.

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21 Mojeed Alabi, "Onnoghen: Presidency replies US, EU; says Nigeria rejects undue interference", Premium Times, 27 January 2019. Available at: <https://www.premiumtimesng.com/news/headlines/308193-onnoghen-presidency-replies-us-eu-says-nigeria-rejects-undue-interference.html>

22 Sahara Reporters, "You'll Go Back In Body Bags' — El-Rufai Threatens To Kill Foreigners Who Interfere With Nigeria's Elections", 6 February 2019. Available at: <http://saharareporters.com/2019/02/06/video-youll-go-back-body-bags-%E2%80%94-el-rufai-threatens-kill-foreigners-who-interfere-nigerias>



## Part Two

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### Managing the Elections

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#### The Legal Framework

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Laws governing Nigerian elections are essentially domiciled in the Constitution and the Electoral Act, and some amendments to these laws were deemed necessary by stakeholders for an improved management of the electoral process.

A number of alterations that were made to the Constitution in 2018 had some bearing on election matters. These included changes to reduce the age limit for running for the position of a member of the House of Representatives & House of Assembly, governor or president; increasing the time for INEC to conduct re-runs for the office of president and governors of states to 21 days from 7 days; limiting the term of office of a president or governor sworn in to complete another's tenure to a single term; providing time limits for the determination of pre-election matters; and establishing criteria for de-registration of political parties.

For the Electoral Act, a tradition had been established whereby it had undergone some form of amendment after every general election since the end of military rule in 1999, usually informed by the lessons taken from the preceding vote. The preparations for the 2019 elections were not different, as several changes were initiated and put into process in the National Assembly to amend the Electoral Act. As the Electoral Act (Amendment) Bill went back and forth between the lawmakers and the executive, with President Buhari rejecting it each time, an air of uncertainty formed around the elections.

The amendment proposals were put together in the National Assembly through private-member bills and with inputs from civic groups, including Policy and Legal Advocacy Centre, Situation Room, and INEC. Among the provisions are the following:

- Allowing for the use of the Smart Card Readers (SCR) for accreditation, verification and authentication of voters;
- Giving INEC the discretion to use e-voting;
- Voiding of votes in a polling unit where there is over voting, with the option of holding fresh elections where it would affect the overall result in the constituency;
- Allowing for the transmission of results in a manner prescribed by the Commission;
- Requiring INEC to maintain and compile a National Electronic Register of Election Results;
- Mandating the Commission to record details of electoral materials, and providing that substantial non-compliance can cause an election to be invalid;
- Increasing the timeframe for INEC to update and revise the voters register from 30 days to 60 days to the election;
- Linking the time for display of voters register to the date set for the elections;
- Increasing the time for issuance of notice of election from 90 days to 150 days;
- Giving political parties the opportunity to hold fresh primaries within 10

- days, where their candidate dies or withdraws before polls. However, in the case of a leading candidate whose votes affect the election result and who dies after commencement of an election but before the announcement of result and declaration of winner, the party in question will have 7 days from the date of the event to conduct new primaries to produce a new candidate;
- Requiring INEC to invite political parties to inspect the format of ballot papers not later than 40 days before the elections;
- Altering the timeframe for conduct of primaries by political parties to not earlier than 150 days and not less than 90 days before the election;
- Providing a sequence for the conduct of primaries;
- Increasing the financial limits for election expenses;
- Increasing campaign time limits from 90 days to 150 days before polling day;
- Aligning nomination requirements with constitutional requirements for running of elections so as to prevent any adoption of additional arbitrary requirements by parties;
- Capping of nomination fees.

All in all, they contained provisions that would have had a significant, positive impact on the conduct of elections in Nigeria.

A key reason cited by President Buhari for declining assent to the changes was Nigeria's obligation under Article 2 of the ECOWAS Protocol on Democracy and

Good Governance that “no substantial modification shall be made to the electoral laws in the last six (6) months before the elections, except with the consent of a majority of Political actors.”<sup>23</sup>

It is unclear how the President arrived at that conclusion to justify refusing assent on this ground, as virtually all the political parties and indeed a majority of members of the National Assembly representing different political parties, agreed on these amendments. Again, the National Assembly had passed amendments to the Electoral Act, at least, a clear one year ahead of the elections with the President denying assent on three occasions citing varying reasons each time. It is ironical that at the end, after work spanning nearly four years, it was the President that vetoed the bill for being too close to the elections, among other reasons.

## **INEC Constrained**

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With Buhari’s decision not to sign a new electoral law, INEC was constrained to work with the existing Electoral Act of 2015 and its identified imperfections. Besides, the delay in taking a final decision on the proposed bill, the associated uncertainties must have taken its toll on INEC and its preparedness. Despite not being backed by law, INEC did express its determination to ensure that only would-be voters authenticated biometrically using the card readers will be allowed to vote.

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23 Article 2 of the ECOWAS Protocol on Democracy and Good Governance 1999

As to be expected a substantial amount of INEC’s 189.2 billion naira (\$520 million) budget went toward procuring voting materials, arrangement of logistics, installation of information technology equipment, payment of ad-hoc staff and other workers. The National Assembly had also appropriated funds separately for the state security police, the regular police, the military and other paramilitary services involved. They were all required by law to subject themselves only to the needs of INEC.

For the 2019 elections, INEC had to manage a total of 91 political parties, compared with 68 in 2015. Only 73 fielded candidates for the presidential election, while 2,412 candidates sought to become either state governors or deputy governors. A total of 4,680 candidates were in the race for the 360 seats in the House of Representatives, while the 109 Senate seats were sought by 1,904 candidates.<sup>24</sup>

Despite the numbers, it was a straight race between the ruling APC with Buhari as candidate and the main opposition PDP with former Vice President Atiku Abubakar as challenger in most places. Both leading parties had their own fair share of instability in the run up to the elections that saw defections of prominent members to the rival platforms.

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24 Kunle Sanni, “The key figures that matter in Nigeria’s 2019 general elections” Feb 14, 2019. *Premium Times*. Available at: <https://www.premiumtimesng.com/features-and-interviews/312927-the-key-figures-that-matter-in-nigerias-2019-general-elections.html>

Some other notable candidates were Kingsley Moghalu of Young Progressive Party, Obiageli Ezekwesili of Allied Congress Party of Nigeria, Fela Durotoye of Alliance for New Nigeria, Adesina Fagbenro-Byron of KOWA party and Omoyele Sowore of African Action Congress.

Perhaps as an indication of its readiness, INEC announced the dates for the 2019 General Elections on March 9, 2017, almost two years before the date.<sup>25</sup> Under INEC's Continuous Voter Registration programme, the enrolling of new voters started in April 2017 and was scheduled to last until August 17, 2018. Eventually, the deadline was extended by two weeks, to give as many people as possible the opportunity to register.

During the exercise, apart from enrolling new registrants, INEC replaced 998,993 cards and transferred 640,796 cards to new voting centres. In all, over 84 million voters were registered across the country, slightly less than half of the total population of more than 190 million people. It represented an addition of 14.3 million new voters to the register, a 21 percent increase on the number registered for the 2015 election.<sup>26</sup>

The final number was obtained after the register was subjected to an audit using the Automatic Fingerprint Identification

25 John Ameh and Eniola Akinkuotu, "INEC releases general election dates for next 36 years" 1 March 2018. *Punch Newspaper*. <https://punchng.com/inec-releases-general-election-dates-for-next-36-years/>

26 Lois Ugbede, "2019: Lagos, Kano top list of registered voters", *Premium Times*, 8 January 2019. Available at: <https://www.premiumtimesng.com/news/headlines/304715-2019-lagos-kano-top-list-of-registered-voters.html>

System, which weeded out 300,000 ineligible registrations from the system as required by the electoral law. An analysis of the voters' roll shows that 52.7 percent (44.4 million) of registered voters were male, while 47 percent (39.6 million) were female.<sup>27</sup>

The biggest sub-group of voters were youths aged 18 to 35, numbering 42.9 million, or 51 percent of all registered voters, marking them out as the most influential segment in determining the outcome of the election. A further complementary fact is that those who identified themselves as students alone numbered 22.3 million.

Among the 36 states of Nigeria, Lagos, the biggest by numbers, had the highest population of voters at 6.6 million, followed by Kano with 5.5 million. Other states had voter numbers in the range of about 1 million to about 4 million.

In spite of the advance notice of elections and the preparations that followed, the elections were still postponed at the last minute, when it became obvious that INEC was not in a position to deliver what was expected. In the final stretch to the elections, civil society groups started raising questions as to the readiness of INEC. The Situation Room in the early hours of February 16 2019, the date set for the presidential and national legislative elections, issued a statement highlighting reports received from its

27 Jude Egbas, "This is the State by State breakdown of total registered voters across Nigeria", *Pulse.ng*, 8 January 2019. Available at: <https://www.pulse.ng/news/politics/this-is-state-by-state-breakdown-of-total-registered-voters-across-nigeria/4nr0720>

observers on the inadequate deployment of materials for the polls and cautioned against suggestions of having staggered elections.<sup>28</sup>

INEC eventually followed suit when it announced a postponement at about 2:30 a.m. on what was supposed to be voting day, February 16. Afterward, INEC gave assurance that it would hold daily briefings to update all concerned on its progress toward the new date. It held briefings with stakeholders every day at 2 p.m. following the postponement. These briefings provided the opportunity for stakeholders to ask questions and track INEC's preparation for the postponed elections.

It would not be the first time that general elections were postponed in Nigeria. In 2011, elections were postponed in the course of the elections due to "late arrival of electoral materials in some parts of the country" while in 2015, the elections were postponed six weeks to the elections for security reasons.<sup>29</sup>

## The Role of Situation Room

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To effectively play the role of an election observation group during the 2019 elections, the Nigerian Civil Society

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28 Preliminary Statement of Situation Room issued on Saturday 16 February 2019 by 00:30hrs

29 Leke Baiyewu, "INEC and the history of election postponements", Punch Newspaper, 21 February 2019. Available at: <https://punchng.com/inec-and-the-history-of-election-postponements/>

Situation Room deployed observers to all the country's six geopolitical zones. The Situation Room on its own directly deployed 4,000 field observers, with an additional 20,000 field observers deployed by member- and partner- organisations. These observers were present in all the country's 36 states and the capital, Abuja.

These field officers provided information and data gathered from different parts of the country to a central hub, where they were analysed and actions taken accordingly. This enabled the group to coordinate and share information, plan for anticipated problems and respond quickly to problems when they occurred during the elections. This also enabled the Situation Room to engage in back- channel advocacy with relevant local and international bodies, especially in flagging flash points of conflict.

The Situation Room hub, located at the Transcorp Hilton Hotel, became a gathering point for local and international observers, diplomats and journalists seeking information on the elections. Activities at the hub were grouped into three, including the experts-analysts room, the technical team and the data collection centre.

*The experts-analysts room*, with about 30 members drawn from civic groups and the academia across the country, analysed and interpreted field reports and, where necessary, caused them to be escalated to the organisations or personnel with the capacity to deal with identified problems.

The technical room had desk officers working the phones with observers in the

field, receiving, verifying and recording their reports. The primary focus was on the voting and collation process, the conduct of party officials, security agents and other breaches detracting from a free and fair conduct of the elections. The information and data gathered through this process, informed the discussions, analysis and interpretations made by the Situation Room, and where necessary the Situation Room intervened directly with bodies such as INEC, the police and other security agencies in response to election-day events.

The technical room was also liaising with other organisations working toward a similar objective of free and fair elections such as CASE 2019- Content Aggregate System on Elections at the Shehu Yar'adua Foundation and Human Rights Radio, a terrestrial radio station, which carried live broadcasts from the Situation Room.

**The data-collation** room provided detailed, real-time information about the poll process, providing instances of violence and other security breaches. It was managed through an election-monitoring computer application known as **Zabe**, using crowd-sourced data.

Given the volume of election-related information generated by the Situation Room, it became the go-to place for the latest news and information on the day of the elections. It also became a forum to engage with local and international observers, diplomats and the news media.

Visitors to the Situation Room hub included officials of the ECOWAS Network of Electoral Commissions led by Head of the Sierra Leonean Electoral Management Body (EMB), Mohamed Conteh; a joint delegation of the Washington-based International Republican Institute (IRI) and the National Democratic Institute (NDI) co-led by former President of Botswana, His Excellency, Festus Mogae, former President of Latvia, Her Excellency Vaira Vīķe-Freiberga, former Gambian Vice President and Minister of Women's Affairs, Fatoumata Tambajang, President of NDI, Ambassador Derek Mitchell, and President of IRI, Dr. Dan Twining; the ECOWAS Observation Mission led by former Liberian President, Ellen Sirleaf-Johnson; and the African Union Observation Mission headed by former Prime Minister of Ethiopia, Hailemariam Desalegn. Among other visitors were INEC National Commissioners - Festus Okoye, Mohammed Haruna and Professor Okey Ibeanu.

### **Situation Room and Election Debates**

To help the leading presidential candidates to explain their policy and programme plans to the populace, the Situation Room, in partnership with the Nigeria Electoral Debate Group and the Broadcasting Organisation of Nigeria, organised the vice presidential election debate, held on 18 December 2018, and presidential election debate, held on 19 January 2019.

The participating parties were the Allied Congress Party of Nigeria, the Alliance for New Nigeria, the All Progressives

Congress, the Peoples Democratic Party and the Young Progressives Party.

While the vice presidential debate was attended by all the invited candidates, the presidential debate was not attended by the two leading candidates- the incumbent President, Muhammadu Buhari of the APC and Atiku Abubakar of the PDP.



## Part Three



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## 2019 Elections Measured Against Situation Room Thresholds

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### Presidential and National Assembly Elections

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#### Overview

As the institution with the constitutional responsibility to conduct elections, the primary expectation from INEC, as an umpire, was to deliver an election that was credible, and therefore, acceptable to parties, contestants as well as observers. For the ordinary voter, it meant that voters can cast their vote without fear or hindrance. It also implied that all voters must, as much as possible, be treated equally, with the casting of ballots starting and ending at a uniform time across the country, and the same rules applying to all participants.

To be able to measure the extent of compliance towards discharging the obligation to hold free, fair and credible elections, Situation Room established certain thresholds of minimum requirements that had to be met by the electoral commission, the political parties, security agencies, the government and state institutions. In this section, the report sets out these expectations and discusses them against the actual performance put up by the different agencies during the elections.

#### INEC

The thresholds set for INEC were aimed at ensuring an efficient and accountable administration of the elections. These included requirements to ensure that eligible voters are not disenfranchised, to campaign against vote buying, to audit the voter register to eliminate multiple or underage registrations and the dead, monitor permanent voter card collection rates across the country and establish a protocol for dealing with uncollected voter cards.

To guard against card-reader failures during the elections, INEC was required to widely disseminate information on all changes in the voting procedure before election-day, and ensure that INEC staff, agents and election observers are conversant with the new rules.

INEC was also required to make a commitment to conduct an audit of results at polling units where the incidence of card reader failure affects as much as 5% of the voters. To ensure a transparent collation of results, the electoral body was required to provide observers and party agents unfettered access to the collation process from the ward to the national level. Results from polling units were to be published within 15 days after the vote, with results broken down to ward levels to enable easy comparison with figures obtained by observers. INEC was also to ensure that security agencies or officials have no role in the collation process beyond providing security for electoral officials. Rules and guidelines for the determination of re-runs at any polling unit must be publicly announced and published.

Consequently, below is a summary of what was actually observed during the election.

### **Election-day delays**

Despite the one-week postponement of the 2019 elections and assurances by INEC of its readiness, there were significant delays in getting voting started on election day, February 23, in many parts of the country.

Field reports from the Situation Room's network of observers and partner organisations indicated that INEC officials and materials did not reach a significant number of polling stations across the country until about 11a.m., as against the set time of 8 a.m. This resulted in the late start of polls and late closing. Reports of delays were received from states including Lagos, Ogun, FCT, Benue, Taraba, Gombe, Kaduna, Kano, Nasarawa, Niger, Kogi, Ebonyi, Enugu, Imo, Abia, Delta, Cross River, Akwa Ibom and Zamfara.

A Situation Room Partner organisation observed a national pattern to the delays:

*"South East and South South recorded the lowest number of early poll openings. About 27 percent of polling units had opened as at 10 a.m. in the South East. In the South South, it was only 21 percent. The average across other parts of the country was about 45 percent as at 10 am."<sup>30</sup>*

Apart from the delays, there were many reports of voter intimidation and ballot box snatching that further engendered voter apathy. The national voter turnout rate dipped from 43.7% in 2015 to just 35.6 %, <sup>31</sup> maintaining a trend of decline that became noticeable since 2003. It is

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30 Interim Statement by Nigeria Civil Society Situation Room issued 23 Feb 2019 by 3:00pm

31 CDD West Africa Election Analysis Centre, Preliminary Report- Counting Votes: Ward-level Collation during Nigeria's 2019 election, 4 March 2019. P.1. Available at: <http://www.cddwestafrica.org/wp-content/uploads/2019/03/Counting-Votes-Ward-level-collation-during-Nigeria's-2019-election.pdf>

remarkable that turnout fell despite the increase in the number of participating parties from 27 to 91, eligible voter numbers from 68.8 million to 84 million and card-collection rates rising from 82% to 86% in the four years between 2015 and 2019.<sup>32</sup>

The conduct of the February 23 elections showed a pattern of operational failure that detracted from the integrity of the electoral process.

### **The Voter Register**

Having a credible voter register is fundamental to a free and fair election, and the accuracy of the data in the register is what ensures its integrity. In the case of INEC, steps taken to make sure accurate voter data was acquired include biometric registration using card readers, the issuance of machine-readable voter cards and the subsequent use of the card readers on election day to verify and accredit voters.

Situation Room acknowledges the efforts made by INEC toward building an accurate and inclusive register through its continuous voter registration, the public verification of the register and the issuance of voter cards. To get a sense of how the registration process was going, Situation Room had in January 2018 commissioned professional pollsters, NOI Polls, to do a survey of prospective voters and their experiences. It delivered a 57% score on INEC's performance in the registration process, with long queues, sparsely distributed centres, inadequate

computers, late arrival of officials and poor communication skills of personnel among the main challenges identified. In the end there were many people who registered but did not collect their voter cards and no state achieved 100% collection.

There was an addition of 14.2 million voters from the continuous voter registration exercise, bringing the final numbers on the voter register to 84 million people. Yet, on closer scrutiny there were discrepancies between the total number of registered voters before the election and the total number of registered voters announced by INEC during the collation in 30 of Nigeria's 36 states. The cumulative number of registered voters as announced during the collation was 82,344,107 as opposed to 84,004,084, the number announced before the election. The two figures had a discrepancy of 1, 659, 977 registered voters.<sup>33</sup>

This perhaps explains the high number of cases recorded of voters who could not find their names in the register in their polling station even when the card readers were able to read their cards. The implication on the face of it was that 1,659, 977 for no fault of theirs were denied their voting rights. The most discrepancies were seen in Lagos state where there was a difference of 256,784 voters and Imo state where it varied by 234,724 registered voters.

More puzzling is the instance where the

<sup>33</sup> See Appendix C showing discrepancy in voter register numbers by State before the Presidential election and at National Collation.

<sup>32</sup> Ibid

number of registered voters for a state at collation exceeded the total number registered before the elections. This occurrence was seen in Borno State, where the number of voters on the register increased by 3,478 voters, increasing the number from 2,315,956 to 2,319,434.

### **Card Reader Usage and Malfunctions**

Biometric card readers and cards were first used in Nigerian elections in 2015 as a foolproof technology to protect the integrity of elections. Their application has been with mixed results, partly because they sometimes failed and also because their use do not have the full backing of the law. In 2019, as in 2015, a majority of the people who voted did not undergo biometric verification, and this was among the reasons cited by lawmakers for the Electoral Act amendments that sought, among others, to make the use of biometric authentication mandatory.

The voting guidelines issued by INEC required that where a voter's card is read by the card reader but fails to authenticate the fingerprint, such a person should still be allowed to vote provided that he/she thumbprints against his/her name in the voter register and provides his/her phone number<sup>34</sup>. What this meant in reality is that people could use voter cards belonging to others and would be allowed to vote. There were widespread reports of card readers malfunctioning in states including Abia, Anambra, Enugu, Bauchi, Edo, FCT, Gombe, Kano, Kaduna,

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<sup>34</sup> Clause 11b, INEC Regulations and Guidelines for the conduct of Elections 2019

Kebbi, Ogun, Nasarawa, Plateau and Taraba.

In response to this scenario, the Situation Room, in establishing its thresholds, had requested an audit of votes at polling stations where more than 5 percent of the voters have issues with their card readers. Out of the votes recorded in the Presidential elections, questions arise about the numbers of persons who actually had complete accreditation (both card authentication and biometric verification) versus the number who had partial accreditation.

### **Discrepancy in Voting Numbers: Presidential Versus National Assembly Elections**

According to the voting guidelines issued by INEC, voters were to receive ballots for the three positions (presidential, senatorial and representatives) at the same time. However, an analysis of the voting data revealed a big difference in numbers recorded for the presidential and the legislative votes.

In all, there seemed to be more valid votes cast for the Presidential elections than the National Assembly elections, explanation from INEC was not immediately available.

### **Accredited Voters Versus Total Votes Cast**

Another glaring discrepancy noticed with the 2019 presidential and legislative elections was that between the number of accredited voters and the total number of votes cast. Under INEC regulations, accreditation and voting were supposed

to take place simultaneously, and if everything went according to plan, both numbers should match.

This was not the case as in the course of collating results the variance between the figures emerged. One guessing explanation is of voters being accredited and somehow ending up not voting, which is hard to imagine given that voters were supposed to do both at the same time. In the absence of an explanation from INEC of this incongruity, it remains difficult to account for these floating numbers, or decide if they could have had any impact on the outcome of the elections one way or another. Over 700,000 voters were accredited but ended up not voting.<sup>35</sup>

### Cancelled Votes

From the official results announced by INEC on 27 February 2019, a total of 2,497,181 votes were cancelled. Reasons given for the cancellation ranged from violence to card reader malfunction. Some cases were unexplained, suggesting that they were either arbitrary or intended to suppress votes. This is more so when the criterion for cancellation on account of violence was not made clear and many state-level decisions were made by officials without clear coordination with INEC's leadership, thereby raising questions about whether the decisions were made objectively.

Though INEC stated that the use of the card reader was mandatory, promising quick replacement in cases of malfunction, what was observed more often in the field was a recourse to manual accreditation rather

than replacement. Therefore, it was never clear what bearing card reader malfunction had on the cases of cancelled results.

In Kebbi and Katsina states, for instance, INEC did not publicly provide reasons for cancellations. In some other states such as Lagos and Kaduna, where more than 300,000 voters were cancelled, INEC provided no information publicly as to the reason why, making verification difficult. Given the impact of arbitrary cancellations on the credibility of Osun state elections in 2018, there are genuine grounds for concern.<sup>36</sup>

### The Collation Process

The Situation Room deployed observers in all 8,809 electoral wards in the country to observe the collation of results. The process was first compounded by the late conclusion of polls in most parts of the country. This led to results being kept at polling units overnight and collation starting the following the morning, a situation that did not inspire a lot of confidence.

Some ward collation centres were subsequently moved without notice to other locations, with access denied to even observers in some centres, raising suspicions about the purpose.

Ward-level collation was suspended, relocated or disrupted on a large scale in many states including Rivers (90%), Delta (40%), Imo (70%), Ebonyi (80%), Edo (50%), Kogi (60%), Cross-River (30%), Ekiti (50%), and Enugu (50%). These disruptions were caused by a combination of factors ranging

35 Situation Room Tracking of INEC's televised announcement of the presidential election results 25-27 February 2019. See Appendix D.

36 See Appendix E-Based on Situation Room's Tracking of INEC's televised announcement of the presidential election results 25-27 February 2019.

from security agencies interference, denial of access to accredited observers to issues of violence and deliberate effort by election officials to manipulate the process.

From the foregoing, it was generally observed that INEC did not follow substantially the process it laid down for the collation of results. The implication of this flaw is that it raised fundamental questions about the credibility of the collation process.

The Situation Room observed that that the collation process was largely devoid of transparency. In its second interim statement while the process was still going on, the Situation Room observed that collation in some Wards did not start until the morning after the elections due to the late start of voting.

The final figures produced by INEC on the presidential and legislative elections contain significant discrepancies that remain unexplained.

## The Security Agencies

All security deployments for the election were required by law to be made under the operational directive of INEC as specified in section 29(3) of the Electoral Act 2010 (as amended) which says:

*“Notwithstanding the provisions of any other law and for purposes of securing the vote, the Commission shall be responsible for requesting for the deployment of relevant security personnel necessary for*

*elections or registration of voters and shall assign them in the manner determined by the Commission in consultation with the relevant security agencies. PROVIDED that the Commission shall only request for the deployment of the Nigerian Armed Forces only for the purpose of securing the distribution and delivery of election materials and protection of election officials.”*

Given the publicly stated commitment to neutrality made by the military and the police, it was expected that their roles will be strictly restricted to providing logistics and security protection. Under the threshold expectations, there were to be no cases of security services restricting the campaigns of any political party; there were to be no incidents of lack of security protections for sensitive materials; there were to be no incidents of any of the security agencies intimidating voters or refusing to protect voters from violence and intimidation from thugs; security provisioning was to be disbursed in a timely and efficient way to ensure personnel are not susceptible to inducement; a code of election conduct was to be issued to all security personnel to which even those serving as personal details to candidates or party officials were expected to adhere.

In addition, security agencies such as the Office of the National Security Adviser and Department of State Services (DSS), with no formal responsibilities during elections, must, where national security dictates, provide clarity to INEC, CSOs and other stakeholders, on the scope and

reach of their operations as it relates to elections.

### **Non-Partisan Security Agencies**

Reports from around the country showed that voters felt safer in the presence of security personnel. Yet, the role of the armed and security forces in Nigerian elections have always been a concern, especially in cases where an incumbent is on the ballot.<sup>37</sup>

Whereas, the loyalty of all the armed forces should be to the state or the sovereign as represented by the people, it is often the individuals in office that the security forces tend to show loyalty to rather than the state institution a person occupies.

In the run up to the election, Situation Room expressed its concern over remarks by President Buhari implying an order to the military to shoot anyone who attempts to snatch ballot boxes and cautioned against the excessive use of force by security personnel. As the Situation Room noted, the military has no role in the electoral process except as may be requested by INEC.

In general, overreaching conduct by security personnel was reported in several States of the country including Rivers, Delta, Kano and Bayelsa that undermined their claim to neutrality. The inability of security personnel in some parts of

Lagos, Bayelsa, Edo, Rivers and Akwa Ibom States to curb incidents of violence, intimidation of voters, ballot box snatching and their eventual destruction was inexcusable in many cases. Reports from Situation Room partners indicated security personnel were implicated in the delayed delivery of ballot materials in States such as Imo and Abia.

There were also questions about the behaviour of some security agencies towards officials of INEC that bordered on intimidation. For instance, an INEC National Commissioner, Prof. Okechukwu Ibeanu, reported his car broken into and his laptop, tablet and official documents stolen, in an area where security agents attached to the Electoral Commission were present.<sup>38</sup> Then with the announcement of election postponement, the Department of State Services, the state security police, invited Ibeanu along with four other INEC officials for questioning. The invitation was eventually dropped in the face of public condemnation.

Across the country the trend of harassment of INEC officials by security agents continued.

- In Imo, Sokoto and Benue States, State Resident Electoral Commissioners, reported security actions, seen as attempts to secure advantages for the ruling party in States where they were perceived to be weak.

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37 Dr. Azeez Olaniyan and Olumuyiwa Amao, "Election as Warfare: Militarization of Elections and the Challenges of Democratic Consolidation in Nigeria", (2015) International Affairs Forum

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38 The Cable, "DSS to quiz Ibeanu, INEC commissioner for logistics", 19 February 2019. Available at: <https://www.thecable.ng/sources-dss-to-quiz-ibeanu-inec-commissioner-for-logistics>

- In Anambra State, the Resident Electoral Commissioner came under pressure from the Police on the night of February 23, in the process of collation of results of the elections.
- Security agencies issued threats against the Rivers State Resident Electoral Commissioner both on national television and in paid online attacks.<sup>39</sup>
- A staff of INEC was shot dead by security forces in Rivers State.
- In Imo State, there were also reports of security officials pressurising INEC in the course of their work.

These are just a few of the many documented incidents of outright intimidation and assault on INEC officials before and during the presidential election, creating an environment that hampered their ability to perform their duties.

Intimidation of INEC officials also occurred during the collation process, by security agents working on behalf of certain interests that wanted things skewed in their favour. One notable incident was that of Professor Francis Ibeawuchi, who stated that he was forced to announce then Imo state Governor Rochas Okorocha as the winner of a senatorial seat.<sup>40</sup>

In the Ikwerre local government of Rivers

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39 Egufe Yafugborhi and Davies Iheamnachor, "CSOs, Rights groups protest, call for removal of Rivers REC", *Vanguard Newspaper*, 11 March 2019. Available at: <https://www.vanguardngr.com/2019/03/csos-rights-groups-protest-call-for-removal-of-rivers-rec/>

40 Ebuka Onyeji, "How I was forced to announce Okorocha winner of Senate seat – INEC Returning Officer", *Premium Times*, 25 February 2019. Available at: <https://www.premiumtimesng.com/news/headlines/316087-how-i-was-forced-to-announce-okorocha-winner-of-senate-seat-inec-returning-officer.html>

state, the electoral officer Mary Efeture Imawuya, reported that soldiers acting on behalf of a political party invaded her collation centre and held her hostage in an attempt to seize the results. Similarly, in Emohua local government of the same State, military personnel raided the local INEC office, shooting and making the collation process impossible.<sup>41</sup>

### **Election Security**

The reported instances of unprofessional conduct by the security forces led directly to the question of overall election security. Though elections have for long been associated with violence in Nigeria, the February 23 elections added another chapter to the unfortunate record.

Both state and private actors were involved, with the common goal of forcing a preferred outcome through disrupting voting, intimidating voters and electoral officials. Severe cases of disruptions were reported in Abia, Lagos, Rivers, Bayelsa, Ebonyi and Akwa Ibom States.

In many cases inadequate security was provided, even in places previously identified as potential flashpoints. Situation Room received reports that about 27% of polling units did not have adequate security, leaving them vulnerable to disruption. There were also incidents of attacks on INEC offices. One of such reports was the attack on the INEC office in Ijesa, Oriade Local Government Area in Osun State on Saturday, February 23, 2019. The suspected hoodlums were said to have burnt card readers and ballot

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41 Situation Room, Fourth Interim Statement on the collation and announcement of the 2019 Presidential election results, issued on 26 Feb 2019 by 8pm.

papers of the just concluded presidential and National Assembly elections.

A snapshot of events around the elections include the following:

- There were 96 verified incidents, which resulted in 361 deaths between the period of November 16, 2018, and Presidential Election Day of February 23, 2019.
- During a period covering 104 days a daily average of 3.5 deaths of Nigerians were recorded, with an incident occurring almost every day.
- Incidents that resulted in fatalities were recorded in 29 of the 36 States (including the Federal Capital Territory).
- These incidents occurred in each of the six geopolitical zones.
- There was a very pronounced spike in the number of incidents as well as the number of deaths per incident as the elections approached, with incidents peaking on Election Day, 23 February 2019, and tailing off thereafter.

While the average fatality count per incident was four, the north-west, north-east and north-central had fatalities that exceeded the average. In terms of absolute numbers, however, the south-south, north-west and the north-central zones led the pack. The south-east had the least number of deaths, incidents and the lowest fatality rate.

All these happened in spite of nationwide military deployments around the time of election, which the high command said at the time was for the purpose of providing security for the elections. The Situation Room did express concern at the time

over the apparent “militarisation” of the elections.

An analysis of nationwide violence and fatalities during the elections show Rivers, Benue, Borno and Kaduna States as the leaders. The elections appear to have amplified existing frictions and conflicts such as conflicts over grazing land.

Reports by Situation Room monitors show that 15% to 20% of all election-related fatalities occurred on election day, with pre-existing tensions predisposing the clashes to more fatalities. While incidents in the north were fewer, they were bloodier. Most of the violence in Southern Nigeria were mainly in Delta, Rivers and Lagos States on election day.

### Political Parties

The political parties were expected to respect the laws and rules governing the elections as stipulated in the Constitution and Electoral Act; carry out a campaign devoid of hate, mudslinging and violence; take part in election-day activities without perpetrating fraud, rigging, vote buying and other malpractices; train and deploy polling agents to represent their political parties at every stage of the elections, and; commit to respecting the outcome of elections.

The reality was far from the ideal. The Situation Room observed an inclination on the part of the political parties, prior to and during the elections, to adopt both fair and foul means to achieve their ends. With the adoption of biometric verification

for the elections, the political parties, especially the two leading ones, took to vote buying to achieve their objectives and resorted to disruption of voting when things appeared unfavourable.

### **Vote Buying**

Following the 2015 elections, INEC embarked on a series of additional reforms to further strengthen the electoral process. These reforms were tested in the off-cycle governorship elections between 2015 and 2018. Although these reforms sought to curb some of the challenges in election administration, new challenges emerged which threatened the credibility of elections held, notably vote buying.

Vote buying is described as the act of paying a voter to cast his vote for a particular candidate or to abstain from voting. It is a cynical tactic that seeks to take advantage of widespread poverty and want by getting people to sell their votes to the highest bidder.

Among the early manifestations of the practice was first observed by the Situation Room was in the 2017 governorship elections in Anambra state. The Situation Room observers reported “blatant incidents of vote buying across the State, involving the major political parties [wherein] Party agents stationed themselves at polling units paying voters sums ranging from N500 to N5,000 to get them to vote in favour of their candidates.”<sup>42</sup>

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42 Situation Room “Interim Statement by Situation Room on the 2017 Governorship Election in Anambra State” 19 November 2017

This trend was seen in operation again in the 2018 Ekiti and Osun governorship elections, and only completed the cycle with the 2019 vote. Incidents of vote buying were reported in Lagos, Niger, Edo, Kwara, Kano and Katsina States.

### **Voter Suppression and Violence**

Very closely tied to the practice of vote buying is that of voter suppression as key protagonists in the elections sought to maximise their advantages while weakening their opponents. As observed during the elections, many of the incidents of voter suppression were cases of the ruling All Progressives Congress employing the protection of incumbency to cause the suppression of votes in opposition strongholds.

Incidents of vote suppression were reported in Akwa Ibom, Rivers, Bayelsa, Kaduna and Lagos State. Some of the most blatant cases were recorded in the Okota, Isolo and Oshodi districts of Lagos, where either INEC officials were reported not to have put up any appearance or thugs invaded opposition strongholds, snatched ballots that had been cast and burnt them to ensure they did not count.

### **Government and State Institutions**

Government and state institutions were not expected to act in a way that might give undue advantage to the government in power to the disadvantage of other parties and contestants. These may be through denial of access to public facilities, such as airports, or sudden curfews introduced to the disadvantage of rival candidates.

Situation Room also highlighted in the Threshold Document that state institutions should not be used in the intimidation or harassment of candidates through acts such as the arbitrary withdrawal of security personnel for elected officials. It was also demanded that candidates and officials of opposition parties will not face spurious and, or, suspiciously timed criminal charges in the weeks leading to the elections.

To mitigate election violence, INEC, the National Broadcasting Committee as well as state and federal prosecutors were to show no tolerance for hate speech, inflammatory comments and other conduct capable of triggering violence. INEC was to publicly warn parties with offending candidates and maintain a point list to sanction erring parties; the NBC was to withdraw adverts and sanction television and radio broadcasters; while prosecutors were to file charges as applicable under the penal, criminal codes and other applicable laws.

The news media as a whole was required to avoid inflaming emotions over controversial issues, to promote fact-checking before stories are released and be impartial and dispassionate in their reporting, while taking steps to educate the public against political violence and on voting procedure as provided by INEC.

In practice, there were a few and isolated incidents where rival parties tried to deny each other access to rally venues as a way of frustrating their campaigns. The

main opposition People's Democratic Party was forced to postpone a rally in the capital, Abuja, after the venue it paid for, for the launch of the campaign of its presidential candidate, Atiku Abubakar, was suddenly cancelled by the government department in charge.<sup>43</sup>

Similarly, Governor Ibrahim Ganduje of Kano declared at a point that the city's main stadium would be closed for repairs after the PDP had set a date for a political rally at the stadium. Ganduje later rescinded the decision amid public outrage.<sup>44</sup>

### **Violence and 2019 Elections**

Both the federal and state level elections saw problems such as thuggery, rigging and vote buying, and while the federal elections witnessed a voter turnout of 35.6%, the state level elections saw an even lower turnout. One of the reasons for this low turnout may have been as a result of election related violence leading up to the Presidential election. Based on reports received from partner organisations, at least 626 people were killed during the period from the official start of campaigning in October 2018,

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43 Nasir Ayitogo, "PDP postpones Abuja rally, accuses FG of denying it venue despite payment", *Premium Times*, 9 February 2019. Available at: <https://www.premiumtimesng.com/news/top-news/311442-pdp-postpones-abuja-rally-accuses-fg-of-denying-it-venue-despite-payment.html>

44 Nasir Ibrahim, "Election: Kano govt finally approves stadium for Atiku's rally", *Premium Times*, 6 February 2019. Available at: <https://www.premiumtimesng.com/regional/nwest/310771-election-kano-govt-finally-approves-stadium-for-atikus-rally.html>

until the final election in March 2019.<sup>45</sup> It is important to note that this figure compares unfavourably with the 2015 general elections where 106 people were killed. However, in terms of the distribution of the occurrence of the casualties, the majority of deaths in 2011 was during a three-day surge that followed the declaration of the results, and the refusal of the losing candidate to accept those results. The general elections in 2007 saw about 300 killed, while 2003 had about 100 fatalities.

On a zone by zone basis, the total number of incidents and fatalities that was recorded during the election period:

- North Central: 23 incidents, 111 people killed
- North East: 16 incidents, 146 people killed
- North West: 20 incidents, 172 people killed
- South East: 7 incidents, 14 people killed
- South South: 59 incidents, 120 killed
- South West: 36 incidents, 63 killed

When the incident and fatality members are parsed on a state-by-state basis, Benue, Borno, Kaduna, Rivers, and Zamfara, lead the casualty figures. Analytically, while the period of study covers a period of 127 days, about 15% of all incidents, and 20% of all fatalities occurred on election day.

Violence is used as a means of voter intimidation to drive low voter turnout, especially in opposition areas. Violence by state actors, the army and the police were recorded in Abia, Akwa Ibom, Anambra,

Bayelsa, Benue, Delta, Kwara, Lagos, Plateau, and Rivers States. Incidents in the North East were few but more lethal because of the activities of Boko Haram and the Islamic State West Africa Province.

The climate of violence meant that there was a higher propensity for loss of lives, leading to higher fatality rates. The high incident count in southern Nigeria was primarily due the violence in Rivers and Delta States. This is because of the presence of willing fighters in the form of both current and ex militants and gang members in this region which makes the scale of such clashes larger than would otherwise be the case.

The antecedents of the military in being willing tools in the hands of the ruling party to intimidate voters remains a key variable in assessing in the region's security. One thing that quickly became clear during the lead up to the elections was that political activity made pre-existing forms of violence much worse.

### **Presidential Election Results**

On Wednesday, February 27 2019, INEC announced the number of votes scored by each presidential candidate on a state-by-state basis and returned President Muhammadu Buhari of the APC as the validly elected candidate. The total number of votes scored by the APC Candidate, was 15,191,847, which was 55.5 percent of the valid votes cast at the election. His closest rival, Atiku Abubakar of the PDP, received 11,262,978 votes, which was 41.2 percent of the valid votes cast.

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<sup>45</sup> SBM Intelligence, "Election Casualties by State", 13 March 2019. Available at: <https://www.sbmintel.com/2019/03/election-violence-in-numbers/>

The margin between the APC and PDP candidates was 3,928,869 votes, which accounts for 14.3 percent of the valid votes. The APC won in 19 states, with the PDP winning in 18 states. The other 71 presidential candidates that took part in the race received a total of 2,159,365 votes or 3.3 percent of the valid votes.

The number of valid votes cast at the election stood at 27,324,583. The total number of votes cast in the 2019 election (28,614,190) is the least since the 1999 elections, 2.7 percent less than the total votes cast (29,432,083) in the 2015 presidential election. This is a new record low since 1999, succeeding the one attained in 2015.

It would seem that Buhari maintained huge support in the northern states and a significant following in the southwest, although some results show only a slight margin between votes scored by Buhari and his closest rival, Abubakar. In 2015, voters in the southwest region gave him 2,433,193 votes but in 2019, he received 2,036,450 votes from the region. Abubakar on the other hand won in states like Oyo and Osun. In the central region where Buhari scored 1,612,999 votes in 2015, he scored 2,465,599 votes in 2019.

The APC's candidate support in south-east and south-south, where he had always been unpopular, did not improve. In 2015, the candidate had 7.4 percent and 8.8 percent of votes in these regions, respectively. In 2019, Ebonyi, Imo and Edo States gave him 5.3 percent, 18.9 percent and 41.6 percent of their votes, respectively.

Just as was the case in 2015, States in the north-west and north-east contributed most of the votes that gave victory to Buhari. The two regions gave the candidate a total of 9,234,434 votes. The north-west alone gave him 5,995,651 votes.

## **Governorship and State Assembly Elections**

Nigerians returned to the polls on March 9 2019 to elect Governors and members of state legislatures. While governorship elections held in 29 of the 36 States, the legislative elections involved all the 36 States as well as municipal councils in the Federal Capital Territory.

Area-council elections were held in the Federal Capital Territory while supplementary elections for National Assembly seats were held in areas that had been earlier indicated by INEC. These elections came against a background of the Presidential and National Assembly elections, which did not meet the minimum standards and thresholds outlined in the Situation Room Threshold document.

Overall, there were indications of marked improvement in the election management with an average starting time of 8:30am. There were also improvements with the smart card readers. Situation Room observed that where they were issues with the Smart Card Readers, efforts were made to rectify the problems.

Yet there were other issues identified such as:

- Few isolated cases of late arrival of materials and polling officials in Badagry, Lagos state, Nembe LGA, Bayelsa state and some local governments in Rivers state;
- The non-payment of INEC officials and ad-hoc staff, which led to multiple protests by INEC officials and ad-hoc staff. These protests occurred in Anthony, Ejigbo, Ketu, Mile 2 and Ojudu areas of Lagos State and Vom in Plateau State. In Enugu state, ad hoc staff reported being owed.
- Reports of excessive military involvement particularly in the south-south and south-east, namely Rivers, Akwa Ibom and Imo States.
- Incidents of election related violence resulting in the deaths of Nigerians, notably Hon. Temitope Olatoye Sugar of Oyo state who was shot and Sunday Oroh killed in Enugu.
- Harassment and attacks on INEC officials as observed in Benue state with the kidnapping of four polling official and in Kogi state where six polling officials were kidnapped.
- Election materials were burnt in places such as Ezza North, Ebonyi State and Gwer East LGA in Benue State.
- Vote buying was prevalent and went largely unchecked. This was reported in Adamawa, Sokoto, Lagos, Delta, Enugu, Ekiti, Bauchi, Benue, Nasarawa, Plateau, Kwara, Zamfara, Kebbi, Oyo, Kano and Osun States, with amounts ranging from N500 to N5,000 given to voters.

There were significant issues reported

with the collation process in a number of States with collation officers being targeted, resulting in the collation process being abandoned. This was the case in Rivers, Ebonyi and Imo States. More troubling was the exclusion of accredited election observers and party agents from accessing collation centres in Delta, Akwa Ibom, Rivers and Zamfara States.

The election conducted in Rivers State was particularly troubling. The Situation Room received reports of 28 Nigerians killed between February 23 2019 and the governorship elections on March 9 2019. Rivers has been a hotbed of electoral violence since 2011. There were also reported attacks on National Youth Corps Service members in Etche local government. In the interim statement, the Situation Room observed that:

*"Military and other security agencies have been used to undermine the electoral process with harassment and abuse of INEC officials and wanton destruction of lives and properties. Election observers are harassed and the environment for elections feels like a war, disenfranchising citizens who want to participate."<sup>46</sup>*

Following the conduct of the Governorship and State Assembly elections and the results emanating therefrom, INEC, in a statement, noted that winners were declared in the governorship election in

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<sup>46</sup> Second Interim Statement by Situation Room on its observation of the Governorship, State Houses of Assembly and FCT Area Council Elections issued March 10, 2019 by 2pm

22 states with the Returning Officers in Adamawa, Bauchi, Benue, Kano, Plateau, Rivers and Sokoto states declaring their governorship elections inconclusive, and announcing that it will conduct supplementary elections on March 23, 2019.<sup>47</sup>

Reasons provided included “the discontinuation of use of the Smart Card Readers, failure to deploy Smart Card Readers, over-voting and widespread disruption in many polling units.”<sup>48</sup> The Commission argued that it came to its resolution, “in compliance with the Margin of Lead Principle derived from **Sections 26 and 53 of the Electoral Act (as amended) and Paragraph 41(e) and 43(b) of the INEC Regulations and Guidelines for the Conduct of Elections.** The outcome of these elections could not be determined without conducting polls in the affected polling units.”<sup>49</sup>

INEC further added that committees will be set up to look at the elections in Rivers and Bauchi States. On Bauchi State, the committee found that the collation process for Tafawa Balewa local government was disrupted by armed gangs, and that Local Government result sheets and some collation sheets destroyed. It found that 7 out of 11 registration areas for the Governorship and 6 out of 11 for State Assembly elections were affected. As a result of

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47 Friday Olorok, “Supplementary elections to hold in six states on March 23 —INEC”, Punch Newspaper, 12 March 2019. Available at: <https://punchng.com/supplementary-elections-to-hold-in-six-states-on-march-23-inec/>

48 Ibid

49 Ibid

this, the collation officer under pressure from party agents decided to collate the result on an available registration area result sheet instead of the replacement local government area result sheet.

This result was however rejected by the Returning Officer at the State Governorship Collation Centre. In Ningi local government, the results of 4 polling units were cancelled as the figure was inaccurately recorded. Taking on board these findings, the Commission resolved to resume the collation of results in Tafawa Balewa, appointed a new collation/returning officer for the Local Government in place of the original collation officer who withdrew due to threats to her life.<sup>50</sup> The decision in relation to Tafawa Balewa was contested in court and a Federal High Court sitting in Abuja ordered that the results of the Local Government be collated and announced.<sup>51</sup>

As it relates to Rivers State, the election process had been suspended on “March 10 following widespread report of violence and other forms of intimidation that prevented electoral officers from

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50 INEC Press Release on Bauchi Governorship Elections issued on 15 March 2019. Read more at: <https://twitter.com/inecnigeria/status/1106710902445953024>

51 Segun Awofadeji, “INEC Resumes Collation of Tafawa Balewa Guber Election Results in Bauchi”, Thisday Newspaper, 25 March 2019. Available at: <https://www.thisdaylive.com/index.php/2019/03/25/inec-resumes-collation-of-tafawa-balewa-guber-election-results-in-bauchi/>

seamlessly performing their roles.”<sup>52</sup> Prior to this suspension, results of 17 LGAs out of 23 were available and in the Commission’s custody. INEC following its investigation stated that it would continue collation of results in Rivers state. The Commission further communicated that it would hold supplementary elections in four state constituencies in the state on April 13 2019.<sup>53</sup>

The Supplementary election scheduled to hold on March 23 2019 was stayed following an interim order granted by an Adamawa State High Court restraining INEC from conducting supplementary election in 44 polling units in the state. This order was however vacated and INEC announced on March 26, 2019 that it would hold supplementary elections on March 28, 2019.<sup>54</sup>

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52 Samuel Ogundipe, “INEC releases report on suspended Rivers governorship, Assembly elections”, Premium Times, 16 March 2019. Available at: <https://www.premiumtimesng.com/news/headlines/320566-inec-releases-report-on-suspended-rivers-governorship-assembly-elections.html>

53 Adedayo Akinwale, “INEC to Conduct Supplementary Elections In Four Rivers Constituencies April 13”, Thisday Newspaper, 4 April 2019. Available at: <https://www.thisdaylive.com/index.php/2019/04/04/inec-to-conduct-supplementary-elections-in-four-rivers-constituencies-april-13/>

54 Channels TV, “INEC Holds Governorship Supplementary Election In Adamawa”, 28 March 2019. Available at: <https://www.channelstv.com/2019/03/28/inec-holds-governorship-supplementary-election-in-adamawa/>

## 23 March 2019: Supplementary Elections

The Independent National Electoral Commission conducted supplementary governorship elections in five states- Bauchi, Benue, Kano, Plateau and Sokoto States. It also conducted state assembly elections in 18 States. These elections held on March 23, 2019.

Situation Room expressed concern about the poor circulation of information in the run up to the supplementary election. INEC only put out the information two days before the elections.<sup>55</sup> This could have had an impact on voters interested in exercising their right to vote in this regard.

The Situation Room, during the supplementary elections, observed that INEC took steps to ensure timely deployment of materials, officials and the commencement of polls, for the most part. Elections in most places started at about 8:30am. Early poll openings were recorded in PU 003, Yalwa Ward, Dala Local Government; PU 009, Dan Hassan Ward of Kura Local Government of Kano State; across several Local Governments in Plateau State such as Rafan Ward of Barikin Ladi Local Government, Mangu Halle Ward of Mangu Local Government, Bokkos Ward of Bokkos Local Government as well as Gilbadi Ward of Gada Local Government of Sokoto State and Modern Market Ward, Makurdi Local Government, Benue State.<sup>56</sup>

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55 Punch Newspaper, “Supplementary elections to hold in 18 states —INEC”, 21 March 2019. Available at: <https://punchng.com/breaking-supplementary-elections-to-hold-in-18-states-inec/>

56 Situation Room Statement on its observation of the Supplementary elections issued on 24 March 2019 by 12pm.

Reports from Kano State during the supplementary election were troubling with incidents of serious violence, extensive use of thugs to perpetrate electoral violence and intimidation of voters. The Situation Room in its statement during the elections condemned the actions of political parties in the run up to the election and on election day with the massive deployment of thugs and party agents to polling units.<sup>57</sup>

Reports from Kano State also called into question the conduct of security personnel. Considering the increased deployment of high-level police officers, there was also a correlating increase in violence and political thuggery. Issues of vote buying from the earlier elections were also not addressed and were evident in Kano State where there were reported cases of attempted inducement of observers with cash. In its statement, particularly on Kano state, the Situation Room called on INEC to discontinue the supplementary election and proceed to announce the result of the election as the supplementary election was marred by violence.<sup>58</sup>

Violence was also reported in three States where Supplementary elections were held. In Kano and Bauchi States, the Police reportedly fired tear gas and carted away election materials in Jama'are local government area. This was also the case in Benue State where a local government returning officer, Professor Comfort Dooshima Tuleun, was shot and injured

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57 Situation Room Statement on Kano State issued on March 23, 2019 by 7pm

58 SR Statement on Kano State issued on March 23, 2019 by 7pm

by unknown gunmen in Makurdi.<sup>59</sup>

The collation process was also marred with irregularities with accredited domestic and foreign observers being denied access contrary to INEC Regulations and Guidelines.<sup>60</sup>

### **State-Level Election Results**

For the governorship elections which held in 29 out of the 36 states, the APC won in 14 states while the PDP won in 15 states.

After an election marred by violence and military interference, the PDP retained control of Rivers state with the eventual conclusion of the election on April 13, 2019.

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59 Premium Times. "INEC collation officer shot in Benue" - <https://www.premiumtimesng.com/news/headlines/321934-breaking-inec-collation-officer-shot-in-benue.html> (March 23, 2019)

60 Paragraph 48 INEC Regulations and Guidelines for the Conduct of Elections





## Part Four

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### Conclusion

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This report presents the analysis of the various findings by Situation Room in the course of the elections and highlights the inconsistencies in the electoral process. As a key player with vested desire in improving the credibility and legitimacy of elections in Nigeria, the Situation Room had developed and published the Threshold Document for the 2019 Nigeria Elections, outlining the minimum requirements for evaluating the credibility of Nigeria's elections. Out of 8 measures used by the Situation Room to assess the elections, there was significant non-compliance with 5 of them.<sup>61</sup> These have mainly to do with patterns of abuse of the electoral process that undermined the integrity of the final outcome.

Taking into considerations all the problems and findings detailed in this report, it is the position of the Nigeria Civil Society Situation Room that the 2019 elections fell short of the immediate expectation of matching the standards of election conduct achieved in 2015. The election also failed to meet the minimum standards set by the Situation Room for a credible election as outlined in the Threshold Document.

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### Recommendations

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#### Legal framework

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1. INEC should work together with civil society organisations to immediately commence the push for reforms in the electoral process, working closely with all critical stakeholders. It is imperative that INEC, through its review of the 2019 election process and the

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<sup>61</sup> Situation Room Threshold guidelines that were not met included: Non- Partisan Security Agencies, Voter Register Integrity, Card Reader Failure during elections, Transparent results collation and efficient and accountable election Administration.

expressed concerns of Nigerians seriously pursues a concerted alliance and collaboration with stakeholders, including the National Assembly, CSOs, political parties, the executive and the media, to achieve lasting reforms to the Electoral process.

2. The Electoral Act (Amendment) Bill passed by the National Assembly and declined by the President, should be re-introduced, passed by the National Assembly and transmitted to the President for Assent.
3. The Executive should commit to passing reforms proposed in the Electoral Act (Amendment) Bill and also champion a credible implementation of the recommendations in the 2008 Electoral Reform Committee Report (Uwais Report).
4. Noting the absence of robust enforcement of election rules, which incentivises impunity, Nigeria should urgently undertake the process of strengthening the framework for electoral accountability. In this regard, the National Assembly should fast track the process of passing the Electoral Offences Commission Bill. The legal framework for political and campaign finances should be reviewed to ensure greater transparency, accountability and fairness.

In addition, amendments to the Electoral Act should include altering section 68, that gives unquestioning powers to the Returning Officer to declare results for an election even

where such Returning Officer may have done so dubiously or as a result of coercion. Criminal infractions committed en route to the declaration of results should also compel the review of results announced from such incident without requiring that remedial action be only possible through litigation at either the election Tribunal level or in the Courts.

5. INEC should take steps to ensure the uniform and firm application of the electoral rules across all regions, stakeholders, and institutions during elections. In particular where the system makes enforcement difficult, INEC should take steps to at the least, call out erring institutions or individuals.

## **Election Administration**

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1. There should be an independent inquiry into the poor management of the electoral process by INEC, and other agencies involved in the conduct of the 2019 Nigeria General Elections. This independent inquiry should address amongst others issues; procurement, logistics management, role of the security agencies and abuse of process by INEC officials. This is urgently needed to identify challenges and recommendations towards repairing the damaged credibility of Nigeria's electoral process. INEC should work with civil society and development partners to operationalise this enquiry.

2. Nigeria's election continues to be very expensive; the budget for the 2019 elections was 242.4 billion naira, with INEC receiving 189.2 billion naira, the Office of the National Security Adviser receiving 9.5 billion naira, the Department of State Services receiving 10.2 billion naira, Nigeria Security and Civil Defence Corps receiving 3.6 billion naira, Nigeria Police Force receiving 27.3 billion naira and Nigeria Immigration Service receiving 2.6 billion naira. These costs are not sustainable, therefore it is important to open up national conversation on how to achieve sustainable costs for the conduct of elections in Nigeria.
3. The multiple number of political parties on the ballot for several of the elections including 73 for the Presidential election proved to be a logistical nightmare for INEC. There is therefore a need for constitutional and electoral reform requiring parties to fulfil certain conditions before being on the ballot.
4. The failure of the Smart Card Readers in identified polling units should be interrogated with a special audit of the results of polling units where 5% card reader incidence failure was recorded.
5. Following its findings from the independent enquiry, INEC should overhaul its processes and systems for procurement and logistics for elections.
6. INEC should improve education of INEC officials and ad-hoc staff on its processes in administering elections. In particular, ensure that training is timely and institutionalised.
7. Civil Society should do more to hold INEC more accountable in terms of its preparedness for elections. The current system of disparate engagement with the electoral administration by CSOs should change to a more coordinated and systematic engagement that optimises collaboratively, the unique skills of CSOs.

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## **Polling and Collation**

1. Clear directives regarding the opening and closing times for voting should be issued by INEC in order to make the election process more predictable for voters.
2. INEC should conduct an in-depth review of the lapses in the collation process and take steps to improve the transparency of the collation process, particularly at the Ward level.

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## **Election Security**

1. INEC and security agencies should ensure accountability for acts inimical to the integrity and credibility of the polls especially individuals complicit in the burning of INEC offices, election materials, snatching of ballot boxes and other electoral offences.

2. Particular instances of contrived voter suppression due to violence must be thoroughly investigated and perpetrators and their sponsors punished to the full length of the law. These allegations must be thoroughly investigated to restore faith in the process and address lingering social fractures that reinforce feelings of exclusion.
3. The Inspector General of Police should urgently investigate allegations into Police overreach in identified locations in the country. Such officers should be held personally accountable for infringing on the rights of citizens in the exercise of their franchise. In the same vein, Situation Room also calls on the IGP to carry out investigations on all political actors who have instigated or perpetrated violence leading to the needless loss of lives.
4. The Inter-Agency Consultative Committee on Election Security should deploy security personnel in line with security risk findings taking into consideration major flashpoints in future elections.

## **Political Parties**

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1. A major risk factor in this election has been impunity of the political class. INEC cannot deliver free

and fair election without committed support by the political class. The level of violence, hate speech and general toxic political environment contradicts the commitment to the Peace Accord signed by political parties and candidates prior to the elections. Politicians should commit to respecting the rules of the election and under the current circumstance ensure that their followers do not act outside of the law with respect to election returns.

## **International Action**

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1. Situation Room calls for collaboration between election stakeholders and civil society organisations in Nigeria and the international community to help bring to account persons who subvert the electoral process as a result of their actions and activities. The recent decision by the United States government announcing visa bans against persons infringing the electoral process and subverting the people's vote is commendable. There is a need for a worldwide adoption of the principle of visa restrictions against such persons. Situation Room calls on other countries to follow the United States' example.



# APPENDIX A- SITUATION ROOM MEMBERS AND PARTNER ORGANISATIONS

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## List of Situation Room Members

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### Steering Committee

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Action Aid Nigeria, Abuja;

Centre for Citizens with Disabilities (CCD), Lagos;

Centre for Democracy and Development (CDD), Abuja;

Centre for Information Technology And Development (CITAD), Kano;

CLEEN Foundation, Abuja;

Community Life Project/Reclaim Naija, Lagos;

Development Dynamics, Owerri;

Enough is Enough, Lagos;

Mac-Jim Foundation, Yenagoa;

New Initiative for Social Development, Ado-Ekiti;

Partners for Electoral Reform (PER), Abuja;

Proactive Gender Initiative (PGI), Abuja;

Policy and Legal Advocacy Centre (PLAC), Abuja;

Responsible Citizens and Human Development Initiative (RECHDI), Gombe;

Young Innovators and Vocational Training Initiative, Kaduna; and

Youth Initiative for Advocacy, Growth & Advancement (YIAGA), Abuja.

## Partner Organisations

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1	Action Aid Nigeria, FCT
2	Achievers Initiative, Kogi
3	Advocates for Human Rights and Sustainable Development, FCT
4	Agents of Communication and Development (A-CODE), Enugu
5	Alliance for Credible Elections, FCT
6	African Centre for Entrepreneurship & Information Development, FCT
7	Aspilos Foundation, FCT
8	Centre for Citizens with Disabilities (CCD), Lagos
9	Centre for Citizens Rights

10	Centre for Democracy and Development (CDD), FCT
11	Centre for Environmental Education and Devt. (CEED), Taraba
12	Centre for Development Support Initiative, Rivers
13	Centre for Health and Devt. In Africa (CHEDA), Adamawa
14	Centre for Human Rights & Conflict Resolution, Kogi
15	Centre for Information Technology and Development (CITAD), Kano
16	Centre LSD (African Centre for Leadership, Strategy and Development), FCT
17	Centre for Women and Adolescent Empowerment, Adamawa
18	Citizen's Advocacy for Good Governance
19	Citizens Centre for Integrated Development and Social Rights (CCISEDOR), Imo
20	Civil Society Legislative Advocacy Centre (CISLAC), FCT
21	Challenged Parenthood Network Initiative (CPNI), Kogi
22	CLEEN Foundation, FCT
23	Community Health and Development Advisory Trust (COHDAT), Imo
24	Community Life Project/Reclaim Naija, Lagos
25	Community Rights Project (CRP), FCT
26	Conference of NGOs (CONGOs), Edo
27	Democratic Action Group (DAG), Kano
28	Development Dynamics, Imo

29	Development and Integrity Intervention Goal Foundation (DIG), Ebonyi
30	Edo State Civil Society Organization (EDOSCO), Edo
31	Election Monitor, Akure
32	Enough is Enough Nigeria, Lagos
33	Equity Advocates, FCT
34	Foundation for Environmental Rights, Advocacy & Development (FENRAD), Abia
35	Good Governance for Grassroots
36	Habitat Care Initiative, Imo
37	Human Rights Advancement, Development and Advocacy Centre (HURIDAC), Lagos
38	Human Rights Monitor, Kaduna
39	Initiative for Capacity Development and Empowerment Foundation (ICADEF), Benue
40	Inspire Nigerian Youth, FCT
41	International Peace and Civic Responsibility, Anambra
42	Initiative for Grassroots Advancement (INGRA), Kogi
43	Justice & Peace (JDPC)/Caritas Nigeria, FCT
44	Justice & Peace (JDPC)/Caritas Nnewi, Anambra
45	Justice & Peace (JDPC)/Caritas Sokoto, Sokoto
46	Joint National Association of People Living With Disabilities (JONAP-WD), FCT

47	Kimpact Development Initiative, Osun
48	Koyenum Immalah Foundation, Edo
49	Mac-Jim Foundation, Bayelsa
50	Majesty Community Rural Development Foundation, FCT
51	Nigeria for Change International, FCT
52	Nigerian Initiative for Social Development (NISD), Ekiti
53	Nigerian Women Trust Fund, FCT
54	Partners for Electoral Reform, FCT
55	Partners West Africa Nigeria , FCT
56	Partnership for Justice, Lagos
57	Policy and Legal Advocacy Centre (PLAC), FCT
58	Proactive Gender Initiative (PGI), FCT
59	REED Centre, Delta
60	Responsible Citizens and Human Development Initiative (RECHDI), Gombe
61	Rural Youth Initiative (RYI), Kebbi
62	Savannah Centre for Diplomacy, Democracy & Development , FCT
63	South-Saharan Social Development Organisation, Enugu
64	Spaces For Change, Lagos
65	Stakeholder Democracy Network, Rivers

66	WANGONET, Lagos
67	Women Advocates Research and Documentation Centre (WARD-C), Lagos
68	Women and Youth Empowerment for Advancement and Health Initiative, Adamawa
69	Women's Right to Education Programme (WREP), FCT
70	Youth For Peace and Development,
71	Young Innovators and Vocational Training Initiative, Kaduna
72	Youth Initiative for Advocacy Growth & Advancement (YIAGA), FCT



# APPENDIX B- SITUATION ROOM STATEMENTS ON THE 2019 ELECTIONS

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## PRESIDENTIAL ELECTIONS:

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### **Situation Room Expresses Concern Over INEC Election Logistics**

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Issued: 00:30hrs, Saturday 16 February 2019

The Nigeria Civil Society Situation Room hereby expresses concern over reports of delay in the distribution of election materials in several parts of the country by the Independent National Electoral Commission for the 2019 Nigeria General Elections.

Reports reaching Situation Room indicate inadequacy in the deployment of materials for the polls. Against the background of assurances given by INEC on its preparedness, this current situation comes to us as a disappointment.

Situation Room calls on INEC to be upfront, truthful and transparent with the Nigerian people with respect to the challenges they are facing that may affect the polls. The Situation Room wishes to state categorically that any assessment or decision by INEC regarding the polls or challenges with materials must be made with respect to the whole country and not in any way focused on some parts of the country. Any suggestion that the election be held in a staggered manner will be totally unacceptable and would be a recipe for a disastrous election. INEC owes it to Nigerians to provide clear explanation on why we are having conversations about deployment of materials in this late hour. The credibility of election depends not just on the efficiency of INEC to manage its processes but also in its ability to communicate honestly with the stakeholders.

We call on all stakeholders especially the political parties to approach any challenge this process throws up with patriotism and commitment to peaceful and legal resolution of conflicts.

## SITUATION ROOM'S PRELIMINARY STATEMENT ON THE 2019 GENERAL ELECTIONS

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Issued 1.00pm: Friday, 22nd February 2019

As Nigeria prepares for the rescheduled Presidential and National Assembly elections, the Nigeria Civil Society Situation Room acknowledges the daily briefings by the Chairman of the Independent National Electoral Commission (INEC), Prof. Mahmood Yakubu on the Commission's progress and preparedness for the February 23 elections.

Following assurances by the Commission of its readiness to conduct Saturday's polls, the Situation Room is concerned by the reports it has received that election materials are being delivered to wrong locations. We expect INEC to conduct all elections across the country simultaneously and in a very organised manner devoid of the logistics challenges that have characterised elections in the past. This is the minimum expectation from Nigerians.

Situation Room wishes to remind INEC that Nigerians would not accept staggered elections in the prevailing circumstance, as this would be divisive and explosive and would only serve to undermine the credibility of the elections.

Situation Room is concerned about the invitations issued for the interrogation of INEC officials, even if those invitations were later withdrawn. The optics of the invitations does not bode well for the independence of INEC, and may amount to undue pressure.

Situation Room is also concerned about statements emanating from various political parties that aim to undermine the credibility of INEC and thus infringe on its constitutionally guaranteed independence.

Situation Room is deeply worried about the spike in politically motivated killings in the period leading up to the elections. According to various reports from members of the Situation Room across the country; over 260 Nigerians have been killed since the commencement of campaigns from October 2018 to date. The outlook is further compounded by recent statements by the President, ordering military and Police officers to deal ruthlessly with anybody who snatches ballot boxes or disturbs the voting system. It is noteworthy that Section 129(4) of the Electoral Act 2010 (as amended) already stipulates a 24-month imprisonment term for the offence of ballot box snatching and the Act prescribes various punishment for all range of electoral offences.

Situation Room would like to warn that military and other security personnel who carry out unlawful orders would under international law, be held accountable. Under section 29(3) of the Electoral Act, the Nigerian military are specifically excluded from direct involvement

in the elections. Regulation 341 of the Police Act (LFN 2004) confers personal liability on any police officer who employs excessive force in the exercise of his powers as a police officer. Similarly, Article 5 of the United Nations Code of Conduct for Law Enforcement Officials 1979 does not recognise superior order as a defence for the use of excessive force by law enforcement officials.

Situation Room encourages Nigerians to defy the challenges and difficulties occasioned by the postponement of the elections and come out en masse to vote freely for the candidates of their choice, and prepare to protect their votes and ensure that their votes count and are counted.

Situation Room also calls on INEC to ensure all personnel involved in election duties are well catered for, including security officers, ad-hoc staff and National Youth Service Corps (NYSC) members.

Situation Room calls on all stakeholders to give their utmost in ensuring that the polls on Saturday go smoothly and peacefully, and that the sanctity of our electoral process is preserved.

## **SITUATION ROOM'S STATEMENT ON INEC'S POSTPONEMENT OF ELECTIONS**

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Issued 10.00am: Saturday, 16th February 2019

The Nigeria Civil Society Situation Room expresses disappointment and shock at the postponement of the polls in spite of the assurances by the Independent National Electoral Commission (INEC) that everything was ready for the elections. This development casts a cloud of doubt on INEC's credibility and competence in conducting the election. It has created needless tension and confusion in the country. INEC has a duty to be honest and transparent with Nigerians in the conduct of elections. That duty of honesty has been fundamentally breached.

The Situation Room calls on INEC to immediately provide clear explanation to Nigerians and stakeholders on what went wrong and steps to be taken to ensure that this does not happen again. INEC must inform Nigerians what steps it is taking to hold persons responsible for this fiasco to account. INEC has an onerous task of reassuring Nigerians in the light of these unfortunate events especially with respect to transparency of polls, collation and enforcement of rules. The Commission needs to explain to Nigerians how they are able to address the extra financial and logistics burden that this has occasioned. Also the management and integrity of already distributed materials is key. INEC will need to explain how it will do this.

There is no doubt that this postponement has imposed unforeseen financial and logistics burden on political parties, candidates, businesses and indeed the generality of Nigerians. We sympathise with Nigerians and urge restraints in the face of this sad postponement. We particularly call on political parties and candidates for election, to put Nigeria first and ensure that every grievance is channeled through appropriate quarters.

In period of national uncertainties, fake news and hate speech could be destabilizing. We urge for restraint and call on all stakeholders to refrain from misinformation and inciting comments capable of undermining peace and security. Security agencies are called upon to remain professional and neutral as we collectively confront this challenge.

We condemn in the strongest terms the treatment of National Youth Corp members. The heart-breaking pictures of these brave young men and women sleeping in open fields without any arrangement for their security and safety is disappointing. We call on INEC and indeed all Nigerians to reach out to these youths and provide whatever support necessary to keep them fed and safe.

Situation Room will continue to closely watch the process and will take needed step to

support the conduct of credible elections in Nigeria. There is no alternative to democratic elections and we will continue to work towards successful elections in the country. Nigerians should not give up. We urge all eligible voters to come out and cast their vote. Nigeria belongs to us all.

## **INTERIM STATEMENT BY THE NIGERIA CIVIL SOCIETY SITUATION ROOM ON COMMENCEMENT OF POLLS IN THE PRESIDENTIAL AND NATIONAL ASSEMBLY ELECTIONS 23 FEBRUARY 2019**

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Issued: 3:00pm; Saturday, 23rd February 2019

The Nigeria Civil Society Situation Room has observed the commencement of the Presidential and National Assembly polls throughout the country, today, Saturday 23rd February, 2019.

Reports from across the country indicate worrying amounts of challenges that require the attention of the Independent National Electoral Commission and security address as polling sets to close.

### **Logistics Challenges**

The Situation Room notes with disappointment the impact of INEC's logistical lapses on the elections. Several parts of the country report late opening of polls. According to YIAGA Africa, South East and South South recorded the lowest number of early poll openings. About 27 percent of polling units had opened as at 10 am in the South East. In the South South, it was only 21 percent. The average across other parts of the country was about 45 percent as at 10 am. The late arrival of materials and ad-hoc staff account for much of the delay in polls opening across the country. In some places, voting started around 11 am. The delay in the commencement of vote will certainly affect the collation process, which is now feared to extend well into the night, with attendant security risks and further logistic concerns.

### **Smart Card Reader Failures**

Reports of smart readers failure are significant in this election. Situation Room received reports of several instances of smart card reader failure which have necessitated INEC officials resorting to manual accreditation. This was reported in Binji Local Government Area in Sokoto state and Owerri North LGA in Imo state. States where card reader challenge is prevalent also include, Imo, Lagos, Ogun, Abia, Nasarawa, Kebbi, FCT and Kaduna. The Situation Room restates, strongly, that there should be no voting without proper card reader authentication.

### **Conduct of Security Personnel**

Situation Room has received isolated reports of security personnel acting in an overreaching manner in some states, particularly Rivers, Akwai Ibom, Delta and Kogi States.

### **Reports of Violence and Deaths**

The Situation Room notes with concern the rising incidences of violence and reported

deaths in some states of the country. At the time of this statement, Situation Room has received reports of about 16 deaths across eight states: Borno – 2, Bayelsa - 2, Rivers - 6, Yobe - 2, Kogi -2, Ebonyi – 2, Lagos – 1, and Zamfara – 1. In Lagos State, there are reports of disruption of voting by suspected political thugs who have shot in the air in some places and set ballot boxes and paper on fire in others. In the Okota, Isolo and Oshodi suburbs of Lagos, there are reports of violence, some caused by non-arrival of INEC officials and materials. Situation Room calls on INEC and the security agencies respond swiftly to these issues and arrest culprits as promised by the Inspector General of Police.

### **Incidences of Vote Buying**

The Situation Room has received reports of incidents of vote buying across Lagos, Niger, Edo, Kwara, Kano and Katsina States. The Situation Room calls on INEC and security agencies to nip this practise in the bud before it undermines the sanctity of the vote. We also wish to highlight the inadequacy of security personnel in some polling units. We note that in some polling units there was only one Police officer while in others, in addition to the prescribed three per polling unit, there were other security personnel totalling up to 10.

### **Conclusion**

Nigerians have defied various challenges to exercise their civic responsibility, we call on INEC to do everything to ensure that voters are not disenfranchised and to quickly address outstanding logistical challenge. The Situation Room calls on voters to continue to be law abiding and to report through appropriate channels, challenges with the process.

# **THIRD INTERIM STATEMENT BY NIGERIA CIVIL SOCIETY SITUATION ROOM ON THE CONDUCT OF THE 2019 PRESIDENTIAL AND NATIONAL ASSEMBLY ELECTIONS ON 23 FEBRUARY 2019**

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Issued: 9:00am Monday, 25th February 2019

## **Introduction**

Following from its observation of the 2019 Nigerian Presidential and National Assembly elections, the Nigeria Civil Society Situation Room (Situation Room) received field reports from more than 8000 of its deployed observers and networks, across the country. Situation Room hereby makes the following interim observations:

## **General**

Situation Room notes the resilience, dedication and patriotism of Nigerians in the conduct of the Presidential and National Assembly elections held on Saturday, 23rd February 2019. They are the shining light in this election. The Nigerian youth under the National Youth Service Corp were exemplary in their work under very difficult conditions. Situation Room will also like to commend Nigerian and International Observers who made sacrifices to observe the elections despite the earlier election postponement and challenges of mobilising additional resources.

Situation Room is however disappointed by the serious lapses observed with the conduct of the Presidential and National Assembly elections held on Saturday 23 February 2019. Despite the elections being conducted against a background of an earlier postponement on February 16, 2019, on grounds of logistics challenges, it still suffered from major logistic lapses. Additionally, the election was marred by violence, security lapses and instances of overreach. Other challenges include compromised INEC officials as well as partisan security operatives. Conduct of major political parties was disappointing.

## **Commencement of Polls**

Throughout the country voting was delayed. The average starting time of voting at most polling units across the country was 11am. It appeared however, and as reported by Situation Room partner organisations, that the delay in commencement of polls was especially pronounced in some States across the South-East and South-South geopolitical zones of Nigeria. There were even reports of polling commencing at 4pm in some areas such as PU 001, Ward 5, Methodist Boys High School, Oron, Akwa Ibom State. The delay in the commencement of voting impacted on the timely completion of the collation process.

## **Logistics Preparations for the elections**

The election was confronted with serious logistics problems. The sheer number of political parties contesting the elections appeared to have overwhelmed INEC's logistics capabilities, including its ability to carry out timely procurement. Situation Room observed

challenges related to procurement, deployment and adequacy of materials. Reports were received of sensitive election materials being sent to wrong locations. Although, some of these problems were later corrected, it contributed to the delays witnessed with commencement of polls. In addition to these, Situation Room received reports from Nasarawa, Rivers, Oyo and Anambra States of incomplete election materials.

### **Election Security**

Situation Room notes with profound sadness, the election related violence that led to the death of at least 39 Nigerians over the last 48 hours of the elections: Borno State– 4, Bayelsa State - 4, Rivers State - 16, Yobe State- 2, Kogi State-2, Ebonyi – 2, Lagos – 1, Oyo- 1, Delta- 2, Zamfara – 1 and Taraba State- 4. In Lagos State, there were reports of disruption of voting by suspected political thugs who shooting in the air in some places and set ballot boxes and paper on fire in others. In the Okota, Isolo and Oshodi suburbs of Lagos, there were reports of violence, some caused by non-arrival of INEC officials and materials.

Situation Room reiterates that no election in Nigeria should cost the life of any citizen and condemns in the strongest of terms the lack of empathy, concern and sensitivity by the political class regarding these events. These recorded deaths follow a trend of serious electoral violence since the beginning of campaigns in October 2018. As at 23 February 2019, Situation Room has documented more than 260 politically motivated deaths.

From reports received by Situation Room, it appears that the deployment of security officers in some instances did not take into consideration areas that required more security deployment. According to reports by CLEEN Foundation, there was multi-agency deployment of security personnel, noting 39% of polling units had three or more security personnel. Reports were also received that 27% of the polling units were under-policed. Reports also largely showed that security personnel conducted themselves professionally, however there are cases of Police overreach in Imo, Abia and Rivers States where an INEC official was shot by security agents. CLEEN Foundation documents that 12% of the polling units observed security officers were somewhat partisan.

Despite the Police's stated preparedness with deployment and adequacy of security, there were shortfalls and gaps, with attendant implications for election security. For instance, there was disruption of polls in Abia, Lagos, Rivers, Bayelsa, Akwa Ibom and Ebonyi States, amongst others. In Okota, Lagos State, voters were chased away and ballot boxes destroyed. In Oriade, Osun State, ballot papers and boxes were destroyed at the INEC office.

### **Involvement of the Military**

The Nigerian Military deployed for the 2019 elections. It is unclear the extent of deployment of the military, although the Army launched what it called Operation Python Dance, which saw soldiers being sent across the country supposedly to provide security for the election.

Additionally, the Army created its own Situation Room and announced that it would obey President Muhammadu Buhari's instructions to deal ruthlessly with ballot box snatchers. President Buhari had before the elections warned that persons that snatch ballot boxes risk paying with their lives – a statement that became controversial and was widely criticised as encouraging security personnel to carry out extrajudicial killing of electoral offenders, who should ordinarily be apprehended and charged to Court to face punishments of fine or imprisonment, if convicted.

Under section 29(3) of the Electoral Act, security personnel can only be involved in electoral duty as requested by INEC. The Act specifically states:

“PROVIDED that the Commission shall only request for the deployment of the Nigerian Armed Forces only for the purpose of securing the distribution and delivery of election materials and protection of election officials”

However, reports were received of incidents involving the military in Rivers state and in another incident military personnel obstructing the passage of electorates into their polling units.

### **Issues with Smart Card Readers**

Situation Room observed significant challenges with the smart card readers. Received reports showed several instances, which necessitated INEC officials resorting to manual accreditation. This was reported in Binji Local Government Area in Sokoto state and Owerri North LGA in Imo state. States where card reader challenge was prevalent include Imo, Lagos, Ogun, Abia, Nasarawa, Kebbi, FCT and Kaduna.

### **Conclusion and Recommendations**

Situation Room notes that INEC has not managed the election efficiently and significant shortcomings have been recorded. The election has been a step back from the 2015 General Election and actions should be taken to identify what has gone wrong and what can be corrected. Situation Room urges voters and stakeholders to exercise restraint to avoid further loss of human life and to seek legal redress were aggrieved.

In the light of the above-identified issues, the Situation Room makes the following recommendations:

1. That there should be an independent inquiry into the poor management of the electoral process by INEC with a view to determining the following:  
The underlining causes for logistics lapses with a view of itemising operational deficiency that led to the initial postponement of elections on the 16th of February and logistical challenges with the rescheduled elections on 23rd February 2019. In addition to this, INEC is expected to inquire into the activities of its staff with respect to late

arrivals to polling station; lack of understanding of processes by ad hoc staff; and the allegations of collusion between staff and politicians.

The failure of the Smart card readers in identified polling units should be interrogated with a special audit of the results of polling units where 5% card reader incidence failure was recorded.

2. The Situation Room calls on INEC and security agencies to ensure accountability for acts inimical to the integrity and credibility of the polls especially individuals complicit in the burning of INEC offices, election materials, snatching of ballot boxes and other electoral offences.

Particular instances of contrived and voter suppression due to violence must be thoroughly investigated and perpetrators and their sponsors punished to the full length of the law. These allegations must be thoroughly investigated to restore faith in the process and address lingering social fractures that reinforce feeling of exclusion.

3. The Situation Room calls on the Inspector General of Police to urgently investigate allegations into Police overreach in identified locations in the country. We ask that such officers be held personally accountable for infringing on the rights of citizens in the exercise of their franchise. In the same vein, Situation Room also calls on the IGP to carry out investigations on all political actors who have instigated or perpetrated violence leading to the needless loss of lives.
4. Inter Agency Consultative Committee on Election Security should deploy security personnel in line with security risk findings taking into consideration major flashpoints in future elections.
5. A major risk factor in this election has been impunity and rascality of the political class. INEC cannot deliver free and fair election without committed support by the political class. The level of violence, hate speech and general toxic political environment contradicts the commitment to the Peace Accord signed by political parties and candidates prior to the elections. Politicians should commit to respecting the rules of the election and under the current circumstance ensure that their followers do not act outside of the law with respect to election returns.
6. Absence of robust enforcement of election rules incentivises impunity. Nigeria should urgently undertake the process of strengthening the framework for electoral accountability. The National Assembly should fast track the process of passing the Electoral Offences Commission Bill.

7. Call on the international community to continue to lend their voices in defence of the integrity of the result. In particular we urge the United States and the United Kingdom to follow through on their earlier statement that they will sanction individuals whose actions undermine the election or have led to the death of citizens.

## **FOURTH INTERIM STATEMENT BY THE NIGERIA CIVIL SOCIETY SITUATION ROOM ON THE COLLATION AND ANNOUNCEMENT OF THE 2019 PRESIDENTIAL ELECTION RESULTS**

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Issued: 8:00pm Tuesday, 26 February 2019

### **Introduction**

The Nigeria Civil Society Situation Room (Situation Room) has been observing the national collation and announcement of the Presidential election results for the election conducted on 23 February 2019. We are compelled to make the following observations:

### **Vote Tallying**

Some of the numbers/votes announced so far by State Returning Officers at the INEC National Collation Centre in the ongoing collation process are raising concerns. Considering that there was simultaneous accreditation and voting, a careful look at some of the figures of accredited voters and the total number of votes cast show discrepancies. As at 6:47pm Tuesday 26th February, the discrepancy was a total of 513,214, in 27 States including Nasarawa, Kogi, Adamawa, Edo States and the FCT. Situation Room calls on INEC to transparently address this confusion before the completion of result tabulation.

There is a lack of clarity in the rationale for cancellation of polls. We have recorded 1,084,358 cancelled votes across 1175 polling units in 18 States. The pattern of this cancellation requires some close interrogation to show fairness and objectivity. The reasons provided for the cancelled votes include over voting, card reader malfunction and violence. Situation Room demands that INEC provide clarification on rationale and compliance with its Guidelines regarding cancellation of polls. Accusation that these cancellations may have been contrived to suppress votes need to be taken seriously and addressed before the close of tabulation. Situation Room calls on INEC to address the discrepancies in the vote tally and provide cogent explanations for the rejected votes and clearly clarify what amounts to cancelled votes.

### **Claims of duress by INEC Officials**

Situation Room observed that INEC officials and adhoc staff serving in varying capacities have alleged harassment and intimidation in the course of the collation process and undue pressure in the announcement of results. Notable has been the Returning Officer for Imo West Senatorial District, Prof. Francis Ibeawuchi, who disclosed that threats were made to his life, to ensure the return of the incumbent Governor of Imo State, Rochas Okorochoa, as the winner of the Senatorial election in the district. In Ikwerre Local Government of Rivers State, the Electoral Officer, Mary Efeture Imawuya alleged that Army Personnel invaded the RAC Centre and held her hostage, in a bid to seize the election results. While in Emohua Local Government of Rivers State, the Electoral Officer, Kenneth Etah claimed

that military personnel invaded the local INEC office and commenced shooting, thereby creating an environment too violent for the collation process to be carried out.

Situation Room notes that INEC has failed to publicly acknowledge the occurrence of these incidents in the past few days and owe it to its staff and Nigerians, to express concern over these threats and acts of violence and take necessary steps to ensure the security of INEC personnel. Furthermore the implication of this on the sanctity of the ballot must be transparently dealt with.

Situation Room calls on INEC to give immediate attention to the issue of its officials who were forced to announce inaccurate results and also take steps to ensure their safety.

### **Transparency at Ward Collation**

Situation Room had deployed Observers in all 8,809 Electoral Wards across the Country and received reports of Observers being restricted from several Ward Collation Centres. For instance, our Observers were denied access to 10 Ward Collation Centres in Abia State, 7 in Lagos State and 5 in Akwa Ibom and Ogun States respectively. Other reports received indicate that there was no collation in some Wards; rather, polling unit results were directly collated at Local Government level, raising questions about violation of the collation process.

### **Conclusion**

Situation Room urges Nigerians to be peaceful and law abiding, as the results are being collated. Situation Room also calls on political parties and candidates who are aggrieved with the electoral process to ensure that they utilise legally recognised channels to seek redress.

## **FIFTH INTERIM STATEMENT BY THE NIGERIA CIVIL SOCIETY SITUATION ROOM ON DECLARATION OF THE 2019 PRESIDENTIAL ELECTION RESULTS**

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Issued: 10:00am - Wednesday, 27 February 2019

The Situation Room notes the declaration of the Independent National Electoral Commission (INEC) returning President Muhammadu Buhari as the re-elected President of the Federal Republic of Nigeria.

Situation Room congratulates President Buhari on his re-election. Situation Room also congratulates all the other candidates in this election and commends the people of Nigeria for turning out and casting their vote.

Situation Room acknowledges that there are candidates, political parties and indeed citizens who are aggrieved with the processes and outcome of the elections. Nigeria's constitutional and legal frameworks have provided avenues to ventilate and seek redress.

Situation Room has closely followed and observed the electoral process from the beginning to this moment. We had issued a Threshold Document clearly stating the standard to which we will hold this election. We note that a lot of the expectations in the Threshold Document were not met. We believe that there are sufficient reasons to demand an urgent convening of stakeholders to examine the lessons from these elections; identify evident shortcomings and lapses; and review to enshrine much needed reform of our electoral system. We also reiterate our call for effective mechanism of accountability for electoral offences.

While we acknowledge the efforts of INEC to conduct this election, we would like to emphasize that there were lapses in this election that did not need to happen and INEC would need to immediately work on correcting those lapses ahead of the March 9 2019 State- level elections.

Situation Room calls on all Nigerians to prepare peacefully and come out and vote on March 9 2019 for the candidates of their choice

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## GOVERNORSHIP ELECTIONS:

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### SITUATION ROOM'S PRELIMINARY STATEMENT ON THE GOVERNORSHIP, STATE ASSEMBLY AND F.C.T AREA COUNCIL ELECTIONS

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Issued 12.00pm: Thursday, 7th March 2019

On Saturday 9th March 2019, Nigerians will come out to vote at State level elections into Governorship and State Assembly positions. Governorships elections will hold in 29 States while State Assembly elections will hold in the 36 States and the F.C.T will elect Chairmen and Councillors of the six area councils in the territory.

The election is coming against the background of Presidential and National Assembly elections that took place on 23rd February 2019 and a tense electoral environment. Situation Room had issued statements on the 23rd February 2019 elections raising concerns that the elections did not meet the minimum standards and thresholds outlined in its "Threshold Document" for credible elections issued in January 2019. It is our expectation that INEC and other election stakeholders including security agencies will make every effort to improve on the quality and credibility of the Presidential and National Assembly elections.

Accordingly Situation Room hereby outlines its expectations for the State level elections as follows:

1. INEC and Election Administration:- Situation Room expects an improved administration and management of the 9th March State level elections and asks the INEC to take steps to hold its staff to account for any partisan activities or behavior. Situation Room also calls on INEC to resist pressure from partisan political interests that could derogate on the conduct of free and fair elections.

INEC had committed not to yield to pressure from politicians seeking transfer of specific Resident Electoral Commissioners (RECs) with replacements of amenable RECs to compromise the elections. We expect INEC to follow through with this commitment.

Situation Room notes the recent statement by INEC regarding the use of the Smart Card Readers in the state elections. We welcome INEC's insistence that no election will hold without the Card Readers. However, given the many concerns raised regarding the use of card readers in the presidential and national assembly elections, the Situation Room calls on INEC to immediately release publicly the data captured by the card readers to ensure utmost transparency in the election process. This data should include the number of partial and full accreditation across the 36 states including the FCT.

Situation Room also calls on INEC to limit the abuse in the collation process as happened in the 23rd February 2019 by taking steps to carry out an effective and transparent collation of results, open and with unfettered access to centres. INEC should also enforce the provisions of its guidelines that restrict the role of security agents to that of providing security for its officials, party agents and observers rather than reported incidents in previous elections where security agents became active participants in collation and sometimes undermined it. Arising from the high number of cancelled votes, it is important that INEC clearly clarifies to voters the criteria for vote cancellations.

2. Security Agencies and concerns over partisanship:- Situation Room notes the worrying trend of increased and excessive involvement of the Military and security officials in elections in Nigeria. These concerns have mounted following from the 23rd February 2019 elections. Situation Room will like to restate the provisions of S. 29 (3) of the Electoral Act which states that the "deployment of Nigeria Armed forces for elections shall be at the request of INEC and only for the purpose of distribution and delivery of election materials and protection of election officials". Situation Room calls on the Armed Forces to restrict themselves to these responsibilities as defined by INEC and the electoral law.

Situation Room calls on the security agencies to ensure that it provides adequate security for the elections and in a manner that does not allow or encourage violence to be used as a tool for vote suppression.

3. Political Parties:- Situation Room calls on political parties participating in the Governorship and State Assembly elections to take part in the elections devoid of perpetrating violence, vote buying or other electoral malpractices. Situation Room also calls on the parties to make sure their party agents are represented at every level of the elections.

**Conclusion:** Situation Room expects that INEC and indeed all stakeholders in the electoral process would have taken lessons from the challenges of the Presidential and National Assembly elections held on 23rd February 2019 and work towards delivering peaceful and credible State level elections.

## **SECOND PRELIMINARY STATEMENT ON THE 9TH MARCH 2019 GOVERNORSHIP, STATE ASSEMBLY AND F.C.T AREA COUNCIL ELECTIONS**

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Issued 11.00pm: Friday, 8th March 2019

Situation Room is seriously concerned about the worsening security environment on the eve of the 9th March 2019 Governorship and State Assembly Elections. Reports indicate an escalation of violence between and within political parties and their supporters as well as reports of partisanship of security agencies in the discharge of their duties; harassing and intimidating candidates, their supporters and voters.

Reports from across several states and some Resident Electoral Commissioners (RECs) point to an intimidating presence of military personnel who are unwilling to assist in providing security and safe delivery of election materials in locations and INEC completely helpless in this circumstance.

Situation Room is also concerned that the deployment of military hardware including fighter jets, attack helicopters etc and excessive military deployment across the country pose an unacceptable and disenfranchising atmosphere and represents a major disincentive for good voter turnout or free exercise of choice by citizens. The tension is palpable and would only serve to undermine the credibility of the election process. Situation Room calls on the President of the Federal Republic of Nigeria and as Commander in Chief of the Armed Forces to immediately issue orders to the military hierarchy to comply with their constitutional and legal responsibilities and conduct themselves within the scope of their roles and responsibility as provided in Section 29 (3) of the Electoral Act 2015 as Amended.

The escalation of violence has led to loss of lives and destruction of properties today in Oto-Awori, Ojo LGA in Lagos State where 35 vehicles were burnt and two persons killed as a result of violence between members of the APC. There is tension and apprehension in Okirika LGA in Rivers State due heavy deployment of the military and sporadic gunshots. These are just a few examples of the escalating cases of violence that our observers have reported.

Situation Room is also calling on the Independent Electoral Commission (INEC) to use the mechanism of the inter-agency security platform to address cases of security overreach and intimidation. They should also take steps to ensure security protocol for deployment and protection of INEC staff and the voting process is strictly adhered to. INEC is expected through words and action to condemn any action capable of intimidating voters whether perpetrated by the state, the military or individuals.

The Situation Room calls on citizens to remain calm and vigilant as they cast their votes.

# **INTERIM STATEMENT BY NIGERIA CIVIL SOCIETY SITUATION ROOM ON THE CONDUCT OF THE 2019 GOVERNORSHIP, STATE ASSEMBLY AND F.C.T AREA COUNCIL ELECTIONS ON 9TH MARCH 2019**

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Issued: 2:00pm Saturday, 9th March 2019

## **Introduction**

With votes on-going in the 2019 Governorship and State Houses Assembly elections, the Nigeria Civil Society Situation Room (Situation Room) is receiving field reports from its observers and networks, across the country. Situation Room hereby makes the following interim observations:

## **General**

Situation Room notes that at the time of this statement, voter turn-out remains low. However, Situation Room commends the resilience and determination of Nigerians to actively participate in the electoral process, despite the fear and apprehension created by the build up to the elections. In the build up to the election, there has been high-level deployment of security agencies as well as politically induced violence. These have dominated the discus so far on the elections and could be a major determining factor for voter behavior and the resultant outcome of the election. There are indications of improved logistics management of the elections while institutional overreach is still a cause for concern for a level playing field for the elections.

## **Commencement of Polls**

In most parts of the country, voting started on time. The average starting time of voting at most polling units across the country was 8:30am. However, there were few cases of late arrival of materials and polling officials in some States.

## **Logistics Preparations for the elections**

It would appear that while logistics preparations for the Governorship and State Legislative elections may have improved from the earlier election of February 23, concern remains that there are still some shortcomings. Reports of late delivery of materials and delayed commencement of polls were received from some States, including Imo State. Situation Room is also concerned about INEC's handling of its personnel and Ad-hoc staffs. Our observers report multiple cases of protest by INEC officials and Ad-Hoc staffs on issues around welfare in Anthony, Ejigbo, Ketu, Mile 2& Ojudu in Lagos State and Vom in Plateau State.

## **Involvement of the Military**

Situation Room continues to be concerned about the excessive and intimidating deployment of military and security personnel throughout the 2019 Nigeria General Elections. Under section 29(3) of the Electoral Act, security personnel can only be involved in electoral duty as requested by INEC. The Act specifically states:

“PROVIDED that the Commission shall only request for the deployment of the Nigerian Armed

Forces only for the purpose of securing the distribution and delivery of election materials and protection of election officials”

The Situation Room continues to voice its concern with the level of deployment of the military in the elections. The level of deployment of military arsenal including fighter jets and attack helicopters remains a serious concern for us. Indications from the field on the low voter turn-out points to concerns from citizens on the military deployment. There are reports of observers and poll officials being arrested across Oruk Anam LGA of Akwa Ibom State by Military and police personnel with phones and other personnel effects being confiscated. There are reports of the Military arresting poll officials and carting away materials in Ini LGA of Akwa Ibom State. In Okrika LGA there are reports of military interference in the process.

### **Election Security**

The situation room is concerned that despite this high deployment we are still having pockets of violence. In Ezza North LGA, Ebonyi State suspected thugs were reported to have set fire to election materials at the RAC. In Etinan LG in Akwa Ibom State Youth Corp members were attacked by suspected thugs while voting materials were snatched and a police officer shot in Odukpan LG of Cross River state. Six (6) Journalists were kidnapped in Ahaoda West LGA of Rivers State. We had seven (7) deaths so far today. Two (2) in Egbe Yagba in Kogi and the others in Rivers States including Emilia Gilbert a former Chairperson of Andoni LGA.

The Situation Room continues to reiterate its earlier position that no election should cost the life of any Nigerian and calls on the security agencies to arrest and prosecute all election offenders irrespective of their party affiliation. It is also calling on political actors to call their supporters to exercise restraint.

### **Low Voter Turn-Out**

At the time of writing this statement there is evident low voter turnout. The low turn-out of voters can only but be attributed to two factors – voter apathy arising from the effect of the disappointment of citizens over poor conduct of the February 23 Presidential and National Assembly elections and the excessive and heavy deployment of military and security personnel for the elections, that has now created fear in the citizenry, including concerns over the neutrality of these security personnel and indeed the integrity of the electoral process.

### **Vote Buying**

There are reported widespread incidences of vote buying across the country by our observers and the Situation Room is concerned this could undermine the credibility of the outcome of the election. Sokoto, Zamfara, Ekiti, Kebbi, Delta, Akwa Ibom, Lagos, Ondo and Borno States among others have reported cases of vote buying.

## **Conclusion**

As voting sets to close, Situation Room implores Nigerians to continue to exercise their right to vote and prepare to observe the collation process. Situation Room also calls on INEC to ensure that the electoral process delivers on credible election, including ensuring that the collation of results at the ward, Local Government and State levels are in line its own guidelines and the law.

## **SECOND INTERIM STATEMENT BY NIGERIA CIVIL SOCIETY SITUATION ROOM ON ITS OBSERVATION OF THE GOVERNORSHIP, STATE HOUSES OF ASSEMBLY AND FCT AREA COUNCIL ELECTIONS**

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Issued: 2:00pm Sunday, 10th March 2019

The Nigeria Civil Society Situation Room (Situation Room) continued with its observation of the 2019 Nigeria General Elections and in this interim report, we are focusing on reports and incidents arising from the opening of polls to collation of results and issues around the 9th March 2018 conduct of the Governorship, State Legislative and FCT Area Council elections:

### **Election Management by INEC**

The elections saw improved use of the Smart Card Reader. Reports received from our observers showed limited incidents of Smart Card Reader malfunction and where there were failures or glitches, efforts were made by INEC to rectify the problem.

There were also reports of significant logistics improvements in this election, especially as it relates to timely delivery of electoral materials and polling units having the complete set of election materials. Situation Room acknowledges the efforts of INEC at improving on the average starting time of opening polls. The start time for the elections was on the average at about 8:30am. However, there were also accounts of late commencement in few instances, for example in Badagry, Lagos State, Nembe LGA, Bayelsa State and some local governments in Rivers State. Of concern, were the reports received of non-payment of INEC officials and ad-hoc staff that resulted in multiple cases of protest by said officials in Anthony Village, Ejigbo, Ketu, Mile 2 and Ojodu Areas of Lagos State and Vom in Plateau State.

### **Voter Apathy**

Our observations indicate a worrying level of voter apathy with this election. In an election that should resonate more with citizens, Situation Room notes that the turnout was very poor with polling officials sometimes sitting idly and waiting for voters to show up. While voter turnout is historically low for non-presidential elections, our findings indicate that the voter turnout was also affected by the disappointing conduct of the 23rd February 2019 presidential elections and the security concerns in different parts of the country.

### **Militarisation of the Elections**

While appreciate the existing security challenges across the country, Situation Room is worried about reports of excessive military involvement in Nigeria's elections, particularly in the South-South and South-East – Rivers, Akwa Ibom and Imo States. The militarisation of the country's electoral process is a troubling one as this is not just about the presence of military officials, but the actions of our intelligence agencies, the use of the military by the political class and the partisanship and non-recourse to rules of engagement of our armed forces.

## **Election Violence**

Situation Room states unequivocally that elections are for citizens to democratically exercise their right to choose their government and as such, no election should cost lives. Situation Room notes with profound sadness the election related violence that has led to the deaths of 58 Nigerians in this electoral cycle including Hon. Temitope Olatoye (aka Sugar) of Oyo State who was shot and Sunday Oroh in Enugu State yesterday. Situation Room notes that in Rivers, Plateau and Edo States there were reports of denial of access to polling units by political thugs. In Ahoada LGA of Rivers State and Shendam LGA of Plateau State, journalists were kidnapped and later released.

Situation Room is also concerned by the harassment and attacks on INEC officials. In Benue State, four polling officials and in Kogi State six polling officials were kidnapped. Reports received from Imo State was of the sequestration of 14 bus loads of Collation Officers by Governor Rochas Okorocha forcing INEC to engage in impromptu recruitment of Collation Officers. In Isoko North, Delta State, there were reports that Corps members were beaten by hoodlums and in Etche LGA in Rivers State. In addition, election materials were burnt in different places like Ezza North LGA, Ebonyi State and Gwer East LG in Benue State.

## **Vote Buying**

There were reports received from across the country on the prevalence of vote buying. This was seen in Adamawa, Sokoto, Lagos, Delta, Enugu, Ekiti, Bauchi, Benue, Nasarawa, Plateau, Kwara, Zamfara, Kebbi, Oyo, Kano and Osun States and amounts given ranged from N500 to N5,000.

## **Collation of Results**

Early reports show that the collation of election results remains a major weak point in Nigeria's election management and administration. In Rivers State we have received numerous reports of security agencies interfering in the collation process, deliberate targeting of Election and Collation Officers making their way to the State Collation Centre. One example is in Adoni LGA where the EO was targeted and in Ebonyi, ward collation was abandoned. The Imo State Governor is also reported to have seized collation officials in Ideato South in an attempt to force announcement of favourable results. The exclusion of accredited election observers and party agents from accessing collation centres is reported in Delta, Akwa Ibom, Rivers and Zamfara States.

## **Perennial Election Crisis in Rivers State**

Since 2011, elections in Rivers State have been a major theatre for violence and further escalated after the 2015 elections. From the 23rd February 2019 presidential election till date, 28 Nigerians have died. The fatal rivalry between the state leadership of PDP

and APC has been the source of this violence and attack on the electoral process since 2015. Military and other security agencies have been used to undermine the electoral process with harassment and abuse of INEC officials and wanton destruction of lives and properties. Election observers are harassed and the environment for elections feels like a war, disenfranchising citizens who want to participate. This has gravely undermined governance and security in the state. The Situation Room notes that the principal actors in this macabre dance of shame are well known but have operated in an environment of absolute impunity for years. The Situation Room calls on government to urgently address this issue. We call on citizens of Rivers and indeed Nigerians to lend their voice in condemning these trends and demanding for accountability.

## **Conclusion**

In the light of the serious shortcomings with the elections, Situation Room calls for an independent inquiry into the conduct of the 2019 Nigeria General Elections. This independent inquiry should address amongst others issues; procurement, logistics management, role of the military and abuse of process by INEC officials. This is urgently needed to identify challenges and recommendations towards repairing the damaged credibility of Nigeria's electoral process.

Situation Room calls on INEC to take the lead in pushing for reforms in the electoral process. Of immediate importance is the need for INEC to call out publicly institutions, individuals and events that may have undermined its ability to carry out its mandate. It is also important that INEC is honest in admitting its own failures. This is needed urgency in restoring faith in the election process.

There must be individual accountability for violence and manipulating of the election process. This is a collective duty for all law enforcement agencies in Nigeria. We cannot as country afford to permit this level of impunity and disruption of the election process. INEC should lead on this and transparently inform Nigerians where it encounters challenges.

The number of fatalities around these elections is unacceptable. Voters, INEC officials and security agencies have lost their lives. We call for reasonably packaged compensation to families who have lost lives in these elections. INEC officials and security agents who have suffered physical and psychological injuries must be supported and rehabilitated.

Situation Room had earlier published the Threshold Document for the 2019 Nigeria Elections for the measurement of the credibility of the elections. Of the 8 criteria, 5 of them show significant non-compliance. A thorough review of these criteria will form the basis of our final report.

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## SUPPLEMENTARY ELECTIONS:

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### PRELIMINARY STATEMENT BY NIGERIA CIVIL SOCIETY SITUATION ROOM IN RESPECT OF SUPPLEMENTARY ELECTIONS SCHEDULED FOR SATURDAY, 23RD MARCH 2019

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Issued: 12:00 pm, 22ND MARCH 2019

As the 2019 general election concludes, Situation Room will be observing the Supplementary Governorship Elections to be conducted by the Independent National Electoral Commission (INEC) in the following four States: Bauchi, Benue, Kano, Plateau and Sokoto as well as the Area Council elections in Abuja.

Situation Room and its partner organisations will be deploying observers to the Polling Units where elections will be conducted and follow-up with the collation of results.

#### **To INEC:**

Situation Room calls on INEC to ensure that the elections are conducted in a free and fair manner as well as to ensure that its processes are respected and implemented. Situation Room also expects that logistics for the elections are in place and the collation of results conducted in a transparent manner.

#### **To Security Services:**

Situation Room calls on arms of security services invited by INEC to assist with the conduct of the supplementary elections to conduct themselves in a non-partisan and professional manner. Situation Room will like to reiterate that s.29 (3) of the Electoral Act defines this role in the elections and that it will be illegal for security services to operate outside of the roles defined for them by INEC.

Situation Room calls further on the security services to demonstrate their commitment to non-partisan support to electoral security. Owing to the close contest and high stakes in the supplementary elections, the potential for serious local instability that may further and dramatically affect the already damaged credibility of Nigeria's as a whole, is real.

The Security Services should take the following steps:

- Publicly commit to steps that will reassure the public on the security of election re-runs; and
- Act on guidance from INEC on deployment of officers for election duties and share all details with the Commission.

Political Parties:- Situation Room calls on political parties and candidates to take part in the elections devoid of perpetrating violence, vote buying or other electoral malpractices.

**Role of the Courts:**

Situation Room will additionally like to express concern about the emerging trend of escalating judicial involvement in what should ordinarily be matters outside the purview of the courts across the country. The courts have gotten involved in electoral litigations and disputations in a manner that weakens the credibility of our electoral system issuing perplexing orders and injunctions that constrains INECs ability to fulfill its constitutional functions of conducting elections. Situation Room is worried about this trend and its potential of impugning and damaging respect for the courts and justice system in Nigeria as well as derogating on the credibility of elections. Situation Room calls on the courts in the country including the National Judicial Council (NJC) to act on stopping this.

Overall, Situation Room calls on Nigerian citizens in the affected areas where the Supplementary elections will hold to come out and freely exercise their votes.

## NIGERIA CIVIL SOCIETY SITUATION ROOM STATEMENT ON THE KANO STATE SUPPLEMENTARY ELECTIONS

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Issued: 7:00 pm Saturday, March 23rd 2019

Situation Room is concerned about reports emanating from the Kano State supplementary elections that indicate serious violence, extensive use of thugs to perpetrate electoral and intimidation of violence and would like to make the following statement:

1. **Conduct of Political Parties** - Situation Room condemns the actions of political parties in the run up to the supplementary elections and on Election Day. Reports received show massive deployment of thugs and party agents to polling units. In Gama Ward, a large number of thugs were seen intimidating voters, observers and even INEC officials around the polling units, unchecked, despite the presence of security personnel. There were also incidents of high deployment of unaccredited party agents to polling units who aided the disruption of the voting process.
2. **Conduct of Security Personnel** - Situation Room is concerned that abuses of electoral process and violence have occurred despite the deployment of top-level Police officials, including a Deputy Inspector General (DIG), 3 Assistant Inspectors General and Commissioners of Police. In the previous elections, the State Commissioner of Police took charge without senior level officers. It is therefore ironic and curious that this level of violence and political thuggery would occur with this quantum of senior Police Officers deployed. Situation Room has always advocated against redeployment of Commissioners of Police ahead of elections.
3. **Vote Buying** - Reports also showed that there were high incidences of vote buying facilitated by thugs and party agents. This trend was seen particularly in Gama Ward of Nasarawa Local Government. There were also reported cases of attempted inducement of observers with cash.

In the light of widespread violence in the areas where INEC had conducted supplementary elections in Kano State, Situation Room calls on INEC to discountenance the supplementary elections where violence occurred and proceed to make a declaration on the basis of the polls already concluded, as the country will be in no mood to accept the conduct of another supplementary election on the back of a supplementary election.

## **STATEMENT BY NIGERIA CIVIL SOCIETY SITUATION ROOM ON ITS OBSERVATION OF THE SUPPLEMENTARY ELECTIONS**

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Issued: 12:00pm, Sunday, 24th March 2019

The Nigeria Civil Society Situation Room (Situation Room) deployed observers for the supplementary governorship elections conducted in five States: Bauchi, Benue, Kano, Plateau and Sokoto on 23rd March 2019. Although, INEC conducted elections in 17 States and the F.C.T, this statement focuses on reports and incidents arising from the issues around the governorship supplementary elections:

### **Preparedness of INEC**

In the lead up to the supplementary elections, information around where State constituency elections would hold were not widely circulated until a few days to the elections. Situation Room acknowledges the efforts of the Independent National Electoral Commission (INEC) in ensuring the timely deployment of materials, officials and the commencement of polls, for the most part. The elections started on time at about 8:30am in most places. Early poll openings were specifically observed in PU 003, Yalwa Ward, Dala Local Government; PU 009, Dan Hassan Ward of Kura Local Government of Kano State; across several local governments in Plateau State such as Rafan Ward of Barikin Ladi Local Government, Mangu Halle Ward of Mangu Local Government, Bokkos Ward of Bokkos Local Government as well as Gilbadi Ward of Gada Local Government of Sokoto State and Modern Market Ward, Makurdi Local Government, Benue State. There were however isolated instances of late commencement of polls.

Largely, Smart Card Readers functioned properly except in isolated instances where they delayed the opening of polls like in PU 006, Magajin Gari Ward in Sokoto North Local Government of Sokoto State and PU001 Ehaje Ward, Bauchi State.

### **Electoral Violence**

Situation Room continues to reiterate that elections can be conducted devoid of violence. Reports received from our observers and partner organisations indicate that the supplementary elections were peaceful in some of the States observed, for instance Sokoto and Plateau, with only limited incidents reported. Violence was reported in some parts of Bauchi State, including Jama'are Primary School, Jama'are Local Government, Bauchi state, where the Police reportedly teargassed and carted away election materials. There were reports of 4-6 party agents per party in each polling unit as seen in PU 028, Bukul/Bangire Ward in Shira Local Government of Bauchi State. In Duhuwa Polling Unit, Kofar Jauro Ward in Katagum Local Government of Bauchi state, party agents snatched a ballot box.

Kano State however witnessed widespread violence, intimidation and electoral abuse, particularly in Gama Ward, Nasarawa Local Government Area. In polling unit 006, Gama ward, fight broke out resulting in a police officer getting injured. Similarly, there were reports of widespread reports of thuggery and intimidation of voters, observers and INEC officials by political party agents seeking to disrupt the electoral process and influence voters. Majority of the reports emanated from Gama Ward, Nasarawa Local Government. In PU 006-011, a party thug used a gun to intimidate observers and voters to vote for his party. Also in PU 006 domestic observers were harassed by political thugs and prevented from performing their observation duties. Journalists were also reportedly chased away by thugs. In PU 034-036, political thugs reportedly threw stones at voters on the polling queue. Similar incidents were also cited in Gaya Kudu Ward in Gaya Local Government and PU 002 Chede Ward in Karaye Local Government of Kano State. From reports received, the incidents of political thuggery could be attributed to the massive deployment of unaccredited political agents to polling units. This was widely reported in Kano state and in some instances in Bauchi State.

In Benue State there were also reports of violence. In Gboko Local Government for instance, a local government returning officer, Professor Comfort Dooshima Tuleun, was shot by unknown gunmen in Makurdi, Benue State, and now hospitalised. There was also the issue of political thuggery, in Uyam Ward in Ukum Local Government of Benue State, armed thugs invaded the polling unit and set the election materials on fire.

### **Conduct of Security Agents**

Situation Room is concerned with the conduct of security personnel during the supplementary elections. Some reports received showed instances of over-deployment of security personnel such as in Plateau State where there were at least 20 security personnel per polling unit. This incidence was witnessed in PU 005, Manderken Ward in Bokkos Local Government and Tudun Wada Ward of Jos North Local Government. Heavy security presence was also reported in PU 003, Birnin Ruwa Ward in Yabo Local Government and PU 001, Magajin Gari Ward A in Sokoto North Local Government of Sokoto State; Kofar Ayuba PU, Unguwa M. Jakin Ward in Kirfi Local Government and Mallar Giji PU, Bogoro D Ward in Bogoro Local Government of Bauchi State; and PU 003, Yandev North Ward in Gboko Local Government, Benue State.

Situation Room is puzzled by the situation in Kano State wherein the deployment of senior Police Officers could not stem the incidents of political thuggery and intimidation. Reports received from our observers showed instances where security personnel, most especially the Police and Nigeria Security and Civil Defence Corps, where challenging security situations were met with inaction. This was observed in Beli Ward in Rogo Local Government and in Gama Ward in Nasarawa Local Government.

Situation Room is concerned that abuses of electoral process and violence have occurred despite the deployment of top-level Police officials, including a Deputy Inspector General (DIG), 3 Assistant Inspectors-General and Commissioners of Police. In the previous elections, the State Commissioner of Police took charge without senior level officers. It is therefore ironic and curious that this level of violence and political thuggery would occur with this quantum of senior Police Officers deployed. Situation Room has always advocated against redeployment of Commissioners of Police ahead of elections. Situation Room acknowledges the involvement of the military in the periphery of the electoral process in accordance with section 29(3) of the Electoral Act 2010.

### **Vote Buying**

There were reports of widespread vote buying in Kano and Bauchi States. This was more prevalent in Gama Ward, Nasarawa Local Government of Kano State, as seen in PU 035 and was also observed in PU 013, Madangala Ward, Katagum Local Government of Bauchi State. There were also reported cases of attempted inducement of observers with cash. Observations showed that the leading political parties were complicit in the perpetuation these acts.

### **Underage Voting**

The act of underage voting was recorded in Sokoto and Plateau State. In Sokoto State, underage voting was reported in PU003 and 011 Tauma Ward, Bodinga Local Government, while in Plateau, Rafan Ward, Barkin Ladi Local Government, there was report of underage voters with valid PVCs.

### **Collation of Results**

Early reports received from the collation process in Gama Ward in Nasarawa Local Government of Kano State showed that observers were denied access to the collation centre contrary to INEC Regulations and Guidelines. By Paragraph 48 of the Guidelines, accredited domestic and foreign observers shall be allowed access to collation centres.

### **Conclusion**

Some of the flaws observed are recurrent in Nigeria's elections. As a country, we need to condemn these acts of voter intimidation and insecurity that have reoccurred in the supplementary elections even leading to the shooting of a returning officer. Safety of Election Day workers, INEC Staff and ad-hoc staff, returning officers and observers is not guaranteed and portends great danger for future elections in Nigeria. Actions of political parties and their supporters continue to undermine the confidence in our electoral process as well as the rights of citizens to participate fully in elections and cast their votes without fear.

The widespread incidents of violence, thuggery and abuse of the electoral process especially as reported in Gama ward of Kano State must be addressed by INEC. Situation Room believes that the levels of abuse recorded in Gama ward is of such monumental proportions as to necessitate INEC expunging the outcome of the supposed voting results coming from Gama ward from the final collation of results for the Kano State Governorship elections.

Situation Room also calls on INEC to ensure that there is an end to supplementary elections, as it appears that the process is now a manipulation tool to circumvent the elections.

# APPENDIX C- BREAKDOWN OF REGISTERED VOTERS BEFORE THE ELECTIONS & AT COLLATION OF PRESIDENTIAL ELECTION RESULTS

State	Total Registered Voters before elections	Total Registered Announced by INEC	Difference
ABIA	1,932,892	1,793,861	-139,031
ADAMAWA	1,973,083	1,959,322	-13,761
AKWA IBOM	2,119,727	2,119,727	0
ANAMBRA	2,447,996	2,389,332	-58,664
BAUCHI	2,462,843	2,453,512	-9,331
BAYELSA	923,182	923,182	0
BENUE	2,480,131	2,391,276	-88,855
BORNO	2,315,956	2,319,434	3,478
CROSS RIVER	1,527,289	1,512,915	-14,374
DELTA	2,845,274	2,719,313	-125,961
EBONYI	1,459,933	1,392,931	-67,002
EDO	2,210,534	2,150,127	-60,407
EKITI	909,967	899,919	-10,048
ENUGU	1,944,016	1,935,168	-8,848
FCT	1,344,856	1,335,015	-9,841
GOMBE	1,394,393	1,385,191	-9,202
IMO	2,272,293	2,037,569	-234,724
JIGAWA	2,111,106	2,104,889	-6,217

KADUNA	3,932,492	3,861,033	-71,459
KANO	5,457,747	5,391,581	-66,166
KATSINA	3,230,230	3,210,422	-19,808
KEBBI	1,806,231	1,802,697	-3,534
KOGI	1,646,350	1,640,449	-5,901
KWARA	1,406,457	1,401,895	-4,562
LAGOS	6,570,291	6,313,507	-256,784
NASARAWA	1,617,786	1,509,481	-108,305
NIGER	2,390,035	2,375,568	-14,467
OGUN	2,375,003	2,336,887	-38,116
ONDO	1,822,346	1,812,567	-9,779
OSUN	1,680,498	1,674,729	-5,769
OYO	2,934,107	2,796,542	-137,565
PLATEAU	2,480,455	2,423,381	-57,074
RIVERS	3,215,273	3,215,273	0
SOKOTO	1,903,166	1,895,266	-7,900
TARABA	1,777,105	1,777,105	0
YOBE	1,365,913	1,365,913	0
ZAMFARA	1,717,128	1,717,128	0
TOTAL	84,004,084	82,344,107	-1,659,977

# APPENDIX D- ACCREDITED VOTERS VERSUS TOTAL VOTES CAST BASED ON INEC'S ANNOUNCEMENTS AT THE NATIONAL COLLATION CENTRE (BETWEEN 25 & 27 FEBRUARY 2019)

S/N	STATE	REGISTERED VOTERS	ACCREDITED VOTERS	VALID VOTES	REJECTED VOTES	TOTAL VOTES CAST	DIFF. BETWEEN ACCREDITED VOTERS AND TOTAL VOTES CAST
1.	Abia	1,793,861	361,561	323,291	31,180	354,471	7,090
2.	Adamawa	1,959,322	874,920	811,534	49,222	860,756	14,164
3.	Akwa Ibom	2,119,727	675,677	578,775	26,365	605,140	90,537
4.	Anambra	2,389,332	675,273	605,734	19,301	625,035	50,238
5.	Bauchi	2,453,512	1,075,330	1,024,307	37,648	1,061,955	13,375
6.	Bayelsa	923,182	344,237	321,767	14,089	335,856	8,381
7.	Benue	2,391,276	786,069	728,912	34,960	763,872	22,197

S/N	STATE	REGISTERED VOTERS	ACCREDITED VOTERS	VALID VOTES	REJECTED VOTES	TOTAL VOTES CAST	DIFF. BETWEEN ACCREDITED VOTERS AND TOTAL VOTES CAST
8.	Borno	2,319,434	987,290	999,786	35,419	955,205	32,085
9.	Cross River	1,512,915	461,033	421,901	24,145	446,046	14,987
10.	Delta	2,719,313	891,647	829,762	52,492	882,254	9,393
11.	Ebonyi	1,392,931	391,747	359,131	20,263	379,394	12,353
12.	Edo	2,150,127	604,915	560,711	38,517	599,228	5,687
13.	Ekiti	899,919	395,741	381,132	12,577	393,709	2,032
14.	Enugu	1,935,168	452,765	421,014	30,049	451,063	1,702
15.	FCT	1,335,015	467,784	423,951	27,457	451,408	16,376
16.	Gombe	1,385,195	604,240	554,203	26,446	580,649	23,591
17.	Imo	2,037,569	585,741	511,586	31,191	542,777	42,964
18.	Jigawa	2,104,889	1,171,801	1,106,244	43,678	1,149,922	21,879
19.	Kaduna	3,861,033	1,757,868	1,663,603	45,402	1,709,005	48,863
20.	Kano	5,391,581	2,006,410	1,891,134	73,617	1,964,751	41,659
21.	Katsina	3,210,422	1,628,865	1,555,473	63,712	1,619,185	9,680
22.	Kebbi	1,802,697	835,238	756,605	47,150	803,755	31,483
23.	Kogi	1,640,449	570,773	521,016	32,480	553,496	17,277
24.	Kwara	1,401,895	489,482	459,676	26,578	486,254	3,228
25.	Lagos	6,313,507	1,196,490	1,089,567	67,023	1,156,590	39,900

S/N	STATE	REGISTERED VOTERS	ACCREDITED VOTERS	VALID VOTES	REJECTED VOTES	TOTAL VOTES CAST	DIFF. BETWEEN ACCREDITED VOTERS AND TOTAL VOTES CAST
26.	Nasarawa	1,509,481	613,720	580,778	18,621	599,399	14,321
27.	Niger	2,375,568	911,964	851,937	45,039	896,976	14,988
28.	Ogun	2,336,887	613,397	564,256	41,682	605,938	7,459
29.	Ondo	1,812,567	598,586	551,994	30,833	582,827	15,759
30.	Osun	1,674,729	732,984	714,682	17,200	731,882	1,102
31.	Oyo	2,796,542	905,007	836,531	54,549	891,080	13,927
32.	Plateau	2,423,381	1,074,042	1,034,853	28,009	1,062,862	11,180
33.	Rivers	3,215,273	678,167	642,165	24,420	666,585	11,582
34.	Sokoto	1,895,266	950,107	871,891	54,049	925,940	24,167
35.	Taraba	1,777,105	756,111	712,877	28,687	741,564	14,547
36.	Yobe	1,365,913	601,059	559,365	26,772	586,137	14,922
37.	Zamfara	1,717,128	616,168	578,439	1,875	597,224	18,944
	<b>TOTAL</b>	<b>82,344,111</b>	<b>29,344,209</b>	<b>27,400,583</b>	<b>2,161,295</b>	<b>28,620,190</b>	<b>744,019</b>

# APPENDIX E- CANCELLED VOTES & REASONS FOR CANCELLATION BASED ON INEC'S ANNOUNCEMENT AT THE NATIONAL COLLATION CENTRE BETWEEN 25-27 FEBRUARY 2019

S/N	STATE	NO. OF AFFECTED POLLING UNITS	NO. OF REGISTERED VOTERS IN AFFECTED POLLING UNITS	REASONS FOR CANCELLATION
1.	Abia	98	59,825	No reason stated
2.	Adamawa	22	15,505	No reason stated (Reasons submitted as part of reports)
3.	Akwa Ibom	272	195,799	Violence
4.	Anambra	114	69,395	No reason stated (Reasons submitted as part of reports)
5.	Bayelsa	42	21,380	No reason stated (Reasons submitted as part of Reports)
6.	Benue	172	122,989	i. Voters' refusal to strictly adhere to the use of the Card Reader ii. Over voting
7.	Bauchi	53	29,660	No reason stated (Reasons submitted as part of Reports).
8.	Borno	12	5,131	Over voting
9.	Cross River	243	132,189	i. The boat deploying materials to Bakassi LGA ran aground due to bad weather conditions. ii. In other areas, there was resistance from communities on the use of the SCR.

S/N	STATE	NO. OF AFFECTED POLLING UNITS	NO. OF REGISTERED VOTERS IN AFFECTED POLLING UNITS	REASONS FOR CANCELLATION
10.	Delta	87	Not stated	i. Non-use of Card Readers ii. Minor violence
11.	Edo	48	42,176	No reason stated
12.	Imo	97	63,048	Malpractices
13.	Jigawa	30	16,014	i. Over voting ii. Voters rejected use of Card Readers iii. Malfunction of Card Readers iv. Pockets of violence
14.	Lagos	128	141,256	No reason stated (Reasons were submitted as part of the reports)
15.	Nasarawa	6	15,759	Over voting
16.	Niger	105	71,237	Violence
17.	Kano	17	43,900	i. Over voting ii. Deliberate refusal to use SCR
	Kaduna	282	189,865	No reason given (Reasons were submitted as part of the reports)
19.	Katsina	20	12,027	No reason stated
20.	Kebbi	13	6,293	No reason stated
21.	Kwara	4	3,342	i. Over voting ii. Non-usage of Card Readers
22.	Ogun	11	9,680	No reason stated (Reasons were submitted as part of the reports)
23.	Oyo	8	3,273	No reason stated
24.	Plateau	126	146,355	Falsification of results where appropriate INEC forms were not used in some polling units.

S/N	STATE	NO. OF AFFECTED POLLING UNITS	NO. OF REGISTERED VOTERS IN AFFECTED POLLING UNITS	REASONS FOR CANCELLATION
25.	Rivers	1,402	942,368	<ul style="list-style-type: none"> <li>i. Electoral Officers were prevented from moving materials from LGA to Wards and Polling Units.</li> <li>ii. Violence and interruption Abduction of Ward Collation Officers.</li> <li>iii. Electoral Officers and Collation officers were prevented from collating results by violence.</li> <li>iv. Falsified results</li> </ul>
26.	Sokoto	50	33,057	<ul style="list-style-type: none"> <li>i. Glitches with Card Readers (but affected voters voted the following day, Sunday, 4th February 2019).</li> <li>ii. Electoral Officials were forced to apply manual accreditation because of Card Reader malfunction, resulting in over voting in some locations.</li> </ul>
				<ul style="list-style-type: none"> <li>iii. Other reasons include disruptions, ballot box hijacking and security situations.</li> <li>iv. In one LGA, new PVCs were produced (for about 700 voters) to replace old ones but were not collected by the voters. As a result, their old PVCs were not recognised by the Card Readers.</li> </ul>
27.	Taraba	57	45,066	No reason given

S/N	STATE	NO. OF AFFECTED POLLING UNITS	NO. OF REGISTERED VOTERS IN AFFECTED POLLING UNITS	REASONS FOR CANCELLATION
28.	Zamfara	Not stated	60,592	<ul style="list-style-type: none"> <li>i. Over voting</li> <li>ii. Card Reader malfunctions leading to manual accreditation.</li> <li>iii. Insecurity</li> <li>iv. Violence</li> </ul>
	<b>Total</b>	<b>3,519</b>	<b>2,497,181</b>	



# APPENDIX F- NIGERIA CIVIL SOCIETY SITUATION ROOM THRESHOLD FOR THE 2019 NIGERIA ELECTIONS

## BACKGROUND

On February 16 2019, Nigeria will hold the first of two elections that marks its sixth General Election since the return of the country to civilian rule in May 1999. The first election consists of the Presidential and National Assembly elections, while the second is of the Governorship and State Houses of Assembly elections, including Area Council elections for the Federal Capital Territory and which will hold on March 2 2019.

The electoral process in the country has faced its own challenges since 1999, when elections began to be conducted in the fourth republic, reaching its worst moments during the 2007 scandalous general elections.

Nigeria's elections have sometimes been equated with attainment of democracy. This is incorrect and dangerous as regular conduct of elections does not necessarily translate to democracy but is an indicator of democratic rule and with history showing that indeed elections could be an instrument of authoritarian control and manipulation. Nigeria has seen manifestations of abuse of the electoral process, including variations of vote buying, state security agents instigating violence, ballot box stuffing, ballot box snatching, voter intimidation, disenfranchising voters in opposition areas, manipulating technology to deliver only certain results, collation manipulation, community rigging, failure of technology, using laws to exclude candidates and manipulation of the voters register. It is precisely because of this history – worldwide and in Nigeria, that civil society works steadily from one election cycle to another to ensure free and fair, credible/legitimate election processes.

While election manipulation thrives, perpetrators are also anxious to avoid the crisis and uncertainty and political instability that blatant abuse of the electoral process could create. This thus presents an opportunity for the Nigeria Civil Society Situation Room (Situation Room) to take advantage of and push for more legitimacy and process transparency around elections. In order to do this as well as minimize the accusations of partisanship, Situation Room is outlining the minimum, baseline for credible/legitimate elections and use this to drive advocacy, programming and assessment of elections, particularly ahead of the 2019 Nigeria General Elections and going forward.

Since 2010, Situation Room has observed elections in Nigeria. While the electoral process may be improved, concerns remain about some aspects of the electoral process including certain parts of election administration by INEC such as the Voters' Register, efficiency of INEC staff, activities around collation of election results, partisanship of security personnel, etc. Situation Room's work sits its involvement in electoral process and has impacted positively on the development of Nigeria's electoral process. Following from its election experience, Situation Room intends to closely observe the 2019 General Elections.

Situation Room is conscious of the fact that in its work to protect democracy and ensure accountability of governance structures and advocating for legitimate elections, it faces various challenges. The first is that Situation Room comprises of a multiplicity of organisations with varying views and preferences, that could risk the challenge of perception of being partisan. It is this possibility of being perceived as partisan that could pose a threat to the integrity of the work that civil society does around elections and deepening democracy. The second is that in working to improve the legitimacy of elections Situation Room is careful not to simultaneously undermine the process to the point where the process lacks credibility. As such, a measure of care is required in balancing the desire for improvement with ensuring that the credibility and legitimacy of the elections are not compromised.

This Threshold document provides an opportunity for Situation Room to focus on its role and responsibility of improving election processes and ensuring an increasingly enabling, level playing field for all Nigerians contesting elections. It also provides a common focus for Situation Room and a tool for advocacy and negotiation with duty bearers and stakeholders involved in elections and democratic governance. Our collective experience and the history of Nigerian elections, including the most recent off-cycle governorship elections in Ekiti and Osun States, reminds us of what we need to look out for and what issues to expect as we prepare for the 2019 General Elections. Identifying these issues provides us with the opportunity to mitigate the risks they pose to the credibility of the elections and provides us with a common guide with which to engage the Independent National Electoral Commission (INEC) and other stakeholders and to also objectively assess the conduct of the 2019 elections in accordance with a predetermined framework.

# 2019 CREDIBLE ELECTIONS THRESHOLD

As Nigerians set to go to vote in the 2019 General Elections, the Nigeria Civil Society Situation Room, after a very careful review of the electoral environment and upon deliberation, have agreed that the following pose risks to credible elections in 2019 and that the minimum standards required to neutralise/mitigate those risks are as follows:

## 1. Non-Partisan Security Agencies

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There are three key security agencies involved in elections in Nigeria – the Nigerian Army, the Nigeria Police and the Department of State Services (DSS).

In recent years, concerns have continued to mount about partisanship and politicization in the involvement of the Military, DSS and Police in elections. With recent past experiences and reports fears are deep that the involvement of the military, DSS and police in elections is fraught with the unofficial/unwritten role in elections of aiding the electoral victory of the incumbent governments by disrupting elections at opposition strongholds, delaying the delivery of ballot material to opposition strongholds, ignoring violence and intimidation of voters, and in some cases, being the instigators of violence and intimidation against voters, opposition members and their agents including arbitrary arrests and detention in the run up to elections and on election day.

The Electoral Act 2010 (as amended in 2015) provides in Section 29 (3) as follows:

*“Notwithstanding the provisions of any other law and for purposes of securing the vote, the Commission shall be responsible for requesting for the deployment of relevant security personnel necessary for elections or registration of voters and shall assign them in the manner determined by the Commission in consultation with the relevant security agencies.*

*PROVIDED that the Commission shall only request for the deployment of the Nigerian Armed Forces only for the purpose of securing the distribution and delivery of election materials and protection of election officials.”*

The implication of this provision of the Electoral Act is that security agencies and personnel should not deploy for election security or duties unless requested by INEC. It is the responsibility of INEC to indicate the number of relevant security personnel that it needs the security agencies to provide for the elections. Indeed the said section 29(3) is explicit in stating that the Nigerian Army must not deploy for elections except and only for the purpose of securing the distribution and delivery of election materials and protection of election officials as may be requested by INEC. It means therefore that the practice by the Armed Forces of mounting checkpoints and roadblocks during elections may be illegal and needs to be halted. INEC will need to develop a template for the implementation of section 29(3) of the Electoral Act on the deployment of security for the elections.

Furthermore, The safety and security of polling unit agents, INEC ad-hoc staff, party agents and voters will be the primary responsibility of the security agencies.

Regarding the role of security agencies, Situation Room has outlined the following **minimum** expectations and demands from the federal and state governments, INEC and the heads of the security agencies:

- Public commitments by the President, IGP, Service Chiefs about the neutrality of the army and police, reaffirming and restricting their roles to logistics, law and order and protection of the ballot.
- There will be zero incidents of the DSS, Police and or Army restricting the federal and/or state campaigns of any candidates in the lead up to the elections.
- There will be zero incident of lack of security escort for sensitive materials.
- There will be zero incidents of the DSS, Police or Army being reported as (i) instigating violence or intimidating voters/candidates/agents and (ii) refusing to protect voters/candidates/agents from violence and/or intimidation from hired thugs/members of the community.
- Security provisioning for the Army, Civil Defense and Nigerian Police must be disbursed efficiently and timeously (according to budget) to ensure that the security agents are not under resourced and more susceptible to inducement.
- The Code of Conduct for security agents on Election Day will be reviewed with civil society organisations, published widely and strictly enforced.
- Personal police details to candidates and/or party officials will be held to the same expectations of security agents involved in elections and will be bound by the Code of Conduct.
- Security agencies such as the Office of the National Security Adviser and DSS, with no formal responsibilities during elections, must, where national security dictates, provide clarity to INEC, CSOs on the scope and reach of their operations as it relates to elections
- All security deployment for the election has to be under the operational directive of the INEC.

## 2. Voter Register Integrity

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Elections which have held in parts of the country after the 2015 elections revealed the presence of under-aged voters on the voters' register, a register used in the 2015 elections. There have also been incidences of the padding of the Voters' Register with fictitious names. It thus behoves INEC to ensure that the voter register comprises of persons who fulfil the requirements as set out in section 12 of the Electoral Act 2010 (as amended in 2015).

Situation Room hereby outlines the following **minimum** expectations and demands from INEC regarding the voter register:

- Thorough audit of the voter register to remove multiple registrations, under-aged and dead voters in collaboration with the National Population Commission to ensure alignment between election data and demographic data.
- Strict adherence to Electoral Act guidelines and timelines for posting the voter register in order to give voters time to verify.
- Audit of the PVC collection process and rates across the country to ensure the credibility of the election results are not marred by 100% collection rates in any state.
- Auditable information on un-collected PVCs in each state of the federation and protocol for storage and protection of these cards.

## 3. Card Reader Failure During Elections

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INEC has established that incident forms will no longer be used during elections and that in the event that a card reader does not read a fingerprint/card, the thumbprint of the individual will be captured against the person's name in a physical register and their phone contact taken. This will be upon agreement by stakeholders at the polling unit including the INEC Presiding Officer and political party polling agents.

Situation Room has the following **minimum** expectations and demands from INEC regarding Card Reader failure and the use of the voter register:

- INEC will widely disseminate this change in procedure to voters before Election Day and ensure that INEC staff, agents and election observers are aware of the procedure.
- INEC commits that a 5% card reader incidence failure at any polling unit will trigger a special audit of the results at that PU.

## 4. Transparent Results Collation

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Reports following elections in Nigeria have shown that the collation process is a hotspot for rigging of elections. Therefore, Situation Room has the following **minimum** expectations and demands from INEC regarding the collation of results:

- INEC will publish the collation process and ensure that accredited observers and party agents have unfettered access to collations from the Ward up to the national collation centre level.
- INEC should commit to publishing the PU results from the elections no less than 15 days after the election.
- Election result are disaggregated showing numbers from each ward to ensure easy comparison by observers.
- Security agents do not play any active role in the collation process except to provide security to property and electoral officials.
- INEC will publicly announce and publish the rules and guidelines applicable for the determination of re-runs in any polling unit during the general elections.

## 5. Efficient and Accountable Election Administration (or Public Accountability in Election Administration)

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Situation Room has the following **minimum** expectations from INEC on the general administration of the election:

- The design of the ballot paper will exclude parties without candidates
- INEC will take measures to exclude or minimise the influence of state governors in the ad-hoc staffing required for the elections and ensure that ad-hoc staff get adequate provisions before the elections to protect them from inducement.
- INEC will share and publish and plans for the voting of IDPs around the country publicly as well as security agencies to ensure access, security and legitimacy of the process.
- INEC will undertake a nationwide campaign about vote-buying, under-aged voting and security agencies brief about their role in the polling unit will include the handling of this criminal offense in a way that prevents under-aged voting and protects the polling unit staff from intimidation and violence.
- INEC will take steps to promote inclusivity in the elections and ensure eligible voters are not disenfranchised by virtue of disability.

## 6. Political Parties

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Political Parties are a major stakeholder in the electoral process and will be participating in several of the elections.

Situation Room hereby outlines the following expectations from political parties participating in the different levels of the 2019 General Elections.

- Respect the laws and rules of elections as stipulated in the Constitution and Electoral Act.
- Carry out their campaigns devoid of hate, mudslinging and violence.
- Take part in Election Day activities without perpetrating electoral fraud, malpractice, rigging or vote buying.
- Train and deploy polling agents to represent their political parties at every stage of the elections.
- Commit to respecting the outcome of elections.

## 7. No Restrictions on Opposition Campaigns

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Situation Room has the following **minimum** expectations and demands from incumbent state governments and the Federal government and its agents:

- Campaigns and the movement of candidates and party officials will not be unfairly restricted with denials to use public facilities such as airports; last minute curfews and any similar attempt to disadvantage candidates.
- State institutions will not be used nor be involved in the intimidation and/or harassment of candidates such as the arbitrary withdrawal of security personnel for elected officials.
- Candidates and officials of opposition parties will be charged on spurious and/or suspiciously timed criminal and/or civil charges in the weeks leading to the elections

## 8. Violence Mitigation and Electoral Accountability

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Violence has been a feature of Nigerian elections (pre, during and post) for decades and Nigeria has been caught in a cycle of state and private sponsored violence for years. Although ethnicity and religion should not play a key role as it did with the 2015 elections there is still a sense that the 2019 elections will be violent due to the high stakes placed on winning elections in Nigeria.

Knowing the expected triggers for violence including hate speech, incitement, perception of bias by INEC and other stakeholders involved in managing elections, the **minimum** Situation Room expects from INEC, the security agents (including the Office of the National Security Adviser, and the Department of State Services), incumbent executives across the country and political party officials is as follows:

- A mapping out of the hot spots for elections with risk mitigating plans involving communities, traditional and religious influencers, CSOs and the international community.
- INEC, the National Broadcasting Committee (NBC) and state and federal prosecutors will have zero tolerance for hate speech, inflammatory comments and other conducts capable of triggering violence. INEC will publicly warn parties with offending candidates and maintain a point list to sanction erring parties; the NBC will withdraw ads and sanction television and radio broadcasters and prosecutors will file charges as applicable under the penal, criminal codes and other applicable laws.
- The Media as a whole should avoid inflaming emotions over controversial issues, promote fact-checking before stories are released and the utilisation of impartial and dispassionate reporting, take steps to educate the public against political violence and on voting procedure as provided by INEC.
- Strict enforcement of electoral offences and penal laws as it relates to elections by relevant key enforcement agencies.

# CONCLUSION

In outlining the threshold for achieving a credible 2019 election, Situation Room has taken into account Nigeria's circumstances, international election standards as well as its experiences from observation of elections in recent years. Situation Room will hold stakeholders accountable for delivery on these expectations and will be making its call on the credibility or not of the 2019 General Elections on the basis of the thresholds outlined. The people of Nigeria deserve free, fair and credible elections and all stakeholders must prepare to deliver on this.



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Working in Support of  
Credible Elections  
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### **About Situation Room**

PLAC hosts the secretariat of the Nigeria Civil Society Situation Room and is a member of its steering committee. The Situation Room provides a co-ordinating platform for civil society engagement on governance issues. It is also a platform for information sharing among civil society groups working on elections and topical national issues. It intervenes in the electoral process by promoting collaboration, proactive advocacy and rapid response to crisis in the electoral process. The Situation Room provides a forum of advance planning, scenario building, evidence based analysis, constructive engagement with various stakeholders in the electoral process and observation of elections.

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