

# Securing Elections in Nigeria

Report of the Observation of  
the Conduct of Security Officials  
during the 2011 Elections



with support from



First published in 2011

By:

**CLEEN Foundation**

**Lagos Office:** 21, Akinsanya Street  
Taiwo Bus-Stop  
Ojodu  
Ikeja, 100281  
Ikeja, Lagos, Nigeria  
Tel: 234-1-7612479, 7395498

**Abuja Office:** 26, Bamenda Street, off Abidjan Street  
Wuse Zone 3, Abuja, Nigeria  
Tel: 234-9-7817025, 8708379

**Owerri Office:** Plot 10, Area M Road 3,  
World Bank Housing Estate  
Owerri, Imo State, Nigeria  
Tel: +234-083-823104

E-mail: [cleen@cleen.org](mailto:cleen@cleen.org)  
Website: [www.cleen.org](http://www.cleen.org)

**ISBN: 978-978-53083-4-1**

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*Typesetting: Blessing Aniche*

*Cover concept: Gabriel Akinremi*

The mission of CLEEN Foundation is to promote public safety, security and accessible justice through empirical research, legislative advocacy, demonstration programmes and publications, in partnership with government and civil society.

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## **Acknowledgement**

The CLEEN Foundation is grateful to the many individuals, institutions and groups that played significant roles in ensuring the success of the 2011 general elections in Nigeria. Particularly, we are grateful to the Open Society Initiative for West Africa (OSIWA) for the generous grant that made it possible for CLEEN Foundation to coordinate an independent civil society observation of the conduct of security officials during the 2011 elections. Your generous support and partnership has made a huge impact and is profoundly appreciated.

We acknowledge the leadership of the National Human Rights Commission for their collaboration which both bridged a gap and strengthened the role of civil society actors in ensuring that government security agencies played their roles properly during the elections. We especially thank Tony Ojukwu who coordinated the Commission's Elections observation project for his insight and cooperation in synergizing our efforts during the elections.

We also wish to thank the leadership of the Nigeria Police Force, under Hafiz Ringim the Inspector General of Police, for its permission and willingness to support an independent assessment of the performance of the Police during the elections. Our gratitude also goes to the many field officers with whom we interacted in the course of this exercise. We also thank the leadership and officials of other agencies including Federal Road Safety Commission, Civil Defence Corp, Immigration Service, Custom Service, Prison Service and the armed forces who complemented the police in securing the elections.

We acknowledge the priceless role of the over 370 observers who were recruited, trained and deployed by CLEEN Foundation and the National Human Rights Commission respectively. We also thank the dedicated team of roving observers who worked throughout the elections and also covered the supplementary elections in Imo State. Your individual and collective dedication to the cause, attention to detail and capacity to gather and share objective information from the field made this whole exercise a resounding success. Thank you for your sacrifice.

Finally, we acknowledge the staff in the CLEEN Foundation Resource Centre, Lagos and its regional offices in Abuja and Owerri for their tireless hard work in coordinating the monitoring exercise, data collation and managing the many demands of this project. Thank you for your vigilance throughout the elections. The cumulative faith of the Nigeria people in making a marked difference during the 2011 elections was very evident. It is hereby acknowledged and deeply appreciated.

## Preface

Security is a significant part of an election management process. This is especially true in emerging, nascent and budding democracies like Nigeria where the electoral systems are still largely evolving. Voters' participation, the credibility of electoral results and ultimately the legitimacy conferred on the emergent government, revolves somewhat on how well the security of the elections is managed. Underscoring the significance of elections security, Sean Dunne wrote that "the assurance of equitable security during an electoral process is essential to retaining the participants' confidence and commitment to an election. Consequently, security is both integral to the goal of an election and an inseparable part of the electoral process."<sup>1</sup> The history of elections in Nigeria buttresses this assertion as the failure of elections security has consistently undermined previous elections and thrown up grave consequences thereafter.

Bracing up to the 2011 elections, there were significant concerns for security managers, voters and other users of the electoral system in Nigeria. These concerns included the existing security concerns already dotting the national landscape ranging from bomb attacks and kidnappings, to violent clashes between opposing political groups. There was also the not too distant memory of complicity by security operatives in facilitating electoral fraud in the immediate past elections in 2003 and 2007. But beyond these, the looming concern was whether the government would be able to mobilize, coordinate and effectively deploy the police and other security agencies to secure the 2011 election so that Nigerians could have exercise their electoral rights in a safe and security atmosphere.

To address some of these challenges and concerns, steps were taken, and some were very innovative. First, the Independent National Electoral Commission set up an Interagency Consultative Committee on Elections Security (ICCES) comprising of the Police, SSS, Armed forces and other security agencies to coordinate the resources of all these agencies which would be deployed for the elections. Also a few policy directives were issued, albeit some controversially, which helped in reassuring Nigerians of the commitment of the government to securing the elections. Some of these key directives were the prohibition of security officials on electoral duty at polling units from bearing fire arms, the provision of armed security personnel who patrolled various electoral districts, the prohibition of political office holders from going to

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<sup>1</sup> Focus on 'Elections and Security', ACE Network

polling units with armed security escorts and also the permission of voters to stay behind after voting and “protect” their mandate.

However, because of the enormous powers conferred on security agencies and the history of abuse, it became imperative for an independent civil society observation and monitoring of the conduct of security officials during the elections. To this end, CLEEN Foundation, worked with some partners to revise and update the Guidelines for the Conduct of Police Officers on Electoral Duty in Nigeria published by the Police Service Commission in 2003. This guideline provided the necessary framework for holding security personnel accountable for their performance of their electoral duties. Subsequently, CLEEN Foundation developed a comprehensive checklist, based on the Guidelines, for observing and reporting on the conduct of security officials during the elections. This checklist was shared with stakeholders, government institutions and other civil society groups that were observing the elections.

CLEEN Foundation thereafter recruited 370 observers, at a ratio of 10 per state including Abuja, to monitor the elections. Trainings were also held for observers and the three CLEEN offices played significant roles to coordinate observers within their zones. The observers were then deployed for all the elections including the cancelled election on April 2 and the Imo supplementary elections. The deployment followed a format of 10 persons per state; 3 persons per senatorial district and one state coordinator (the state coordinator and 2 other persons were roving while 7 were stationary at polling units). CLEEN Foundation also collaborated with the National Human Rights Commission which had also deployed 370 roving observers, also at a ratio of 10 per state. After every round of election, the various checklists were collated, analyzed and a preliminary report was issued. We held three press conferences after the three phases of the elections to release our findings to stakeholders and media practitioners.

This publication is a presentation of the findings of that observation exercise. It contains two sections, the main part and an appendix. Part one contains the overall report of the observation and details the cumulative findings and recommendations of the observations of the conduct of security officials. The appendix contains an abridged version of the revised Guidelines and the preliminary reports issues after every round of elections and covers the National Assembly, presidential, Gubernatorial and State Assembly and lastly the Imo supplementary elections. Each preliminary report contains specific findings, challenges and recommendations from the particular

election and we hope that this report will shed light on what we got right, what went wrong, what can be improved upon and how we can consolidate on securing future elections in Nigeria.

**Chinedu Yves Nwagu**  
**Manager, Accountability and Justice**  
**CLEEN Foundation**

**PART ONE**  
**Main Report**

# Overall Report Of The Nationwide Observation Of The Conduct Of Security Officials In The 2011 General Elections

## Background

Security is a very important factor in the challenge of conducting free and fair elections. In contexts where security is guaranteed, politicians are most likely to abide and play by the rules of the game. Equally important is that the perception of the electorate on the state of security before, during and immediately after elections is a strong determinant of voter behaviour. If voters are assured that there is adequate security, there is likely to be high voter turn all things being equal. Contrariwise, fear of outbreak of electoral violence or breach of security is more likely to scare the voters away from the polling centres. Thus, the capacity and willingness of security agencies to provide adequate security in a non-partisan and impartial manner contributes immensely to the credibility of elections.<sup>2</sup> Security reform is therefore imperative for countries such as Nigeria with a history of controversial elections. In fact, security sector reform (SSR) has increasingly become one of the key activities in the repertoire of peace-building events engineered to promote credible elections in post-conflict situations.<sup>3</sup>

Over the years, there has been considerable concern over the conduct of security agencies during general elections in Nigeria. This concern is manifest in the conferencing on security challenges that precedes elections in Nigeria.<sup>4</sup> The concern over the role of security agencies has arisen from fears of partisanship of security agencies during elections and widespread incidents of electoral violence.<sup>5</sup> In many cases, security agencies are not only unable to prevent and curb electoral violence but are actually alleged to be perpetrators of violence directed at lawful participants in the electoral process. In many cases, post-election crises and violence have been linked to public

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<sup>2</sup> International Crisis Group, 'Nigeria's election: reversing the degeneration?', *Africa Briefing No 79*, 24, February 2011

<sup>3</sup> See, 'Post conflict stabilization, peace building and recovery frameworks', [http://www.unddr.org/iddrs/02/download/IDDRS\\_220.pdf](http://www.unddr.org/iddrs/02/download/IDDRS_220.pdf) (accessed 5 September 2011)

<sup>4</sup> For example of the issues for discussion in such meetings, see Communiqué issued at the two day workshop and security challenges in election management in the 2011 elections held at Valencia Hotel Abuja on 26-27 October 2011. [http://www.fes-westafrica.org/common/pdf/2010\\_10\\_Communique%20of%20the%20Workshop%20on%20Security%20Challenges%20to%20Electoral%20Management.pdf](http://www.fes-westafrica.org/common/pdf/2010_10_Communique%20of%20the%20Workshop%20on%20Security%20Challenges%20to%20Electoral%20Management.pdf), (accessed September 2, 2011).

<sup>5</sup> See, Festus Iyayi, 'The Conduct of elections and electoral malpractices in Nigeria' paper presented at NBA National Conference, 24 August 2004, Abuja <http://www.dawodu.com/iyayi1.htm> (accessed 5 September 2011)

perception that incumbents manipulate the security agencies to serve their interest of retaining power at all costs. For instance, the 1965 and 1983 elections were marred by violence due to the perceived partisanship of security agencies.<sup>6</sup> During the Second Republic

some opposition politicians formed private militias to checkmate security agencies that had allegedly been mobilised to serve ruling parties in the 1983 general elections.<sup>7</sup>

It is therefore not surprising that electoral violence has been one of the key factors influencing the evolution of security agencies in the country. For instance, the abuse of the regional and local government police services by ruling parties was a key factor that influenced the abolition of the dual system of the police force and unification of the different police authorities into the Nigeria Police Force.<sup>8</sup> Consequently, as Nigeria returned to civil rule in 1999 after decades of military rule- during which dictators used some elements in the security services to abuse the rights of the citizenry- there were palpable fears about the role the security agencies would play in the democratic setting. This fear was more pronounced in 2003 when political incumbents were seeking re-election. As state governors clamoured for the decentralization of the Nigeria Police Force and establishment of state police force as the election year approached, there were palpable fears that the efficiency rationale advanced for state police was a ruse.<sup>9</sup> The popular perception was that there was an orchestrated plot to politicise and manipulate the police to overtly play a partisan role in the elections.<sup>10</sup>

Consequently, several initiatives toward reform of the security sector included a security and elections component.<sup>11</sup> A key agenda of the reform was to avoid politicization, which had potential destabilizing effects on the country's democratic experiences. For instance, the police authorities took proactive measures to enhance the capacity of the

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<sup>6</sup> See, Billy Dudley (1971), *Instability and Political Order: Politics and Crisis in Nigeria*, Ibadan: Ibadan University Press; T. Falola and J. Ihonvbere (1986) *The Rise and Fall of Nigeria's Second Republic*, London: Zed Books

<sup>7</sup> See Falola and Ihonvbere, *Ibid.*

<sup>8</sup> See, E. Alemika and I. Chukwuma (2004) *Analysis of Police and Policing in Nigeria*, <http://www.cleen.org/policing.%20driver%20of%20change.pdf> (accessed 6 April 2011)

<sup>9</sup> For the politics of agitation of state politics, see, E. Alemika (2003) 'Federalism and Police in Nigeria' in A. Gana and S. Egwu (eds) *Federalism in Africa*, Vol.2, Trenton NJ: Africa World Press.

<sup>10</sup> See, O. Ibeanu and A. Momoh (2008) *State Responsiveness to Public Security Needs: The Polices of Security Decision Making- Nigeria Case Study*, London: CSDG, Kings College

<sup>11</sup> See, A. Hill (2008) 'The dialectics of police reform in Nigeria', *Journal of Modern African Studies*, Vol. 46, No. 2, pp. 215-234.

police to provide adequate security in an impartial manner during the 2003 elections. The Police Service Commission (PSC) prepared a code of conduct and guidelines for conduct of the police during elections. It also embarked upon observation of the conduct security agencies during the elections.<sup>12</sup> This special focus on observing the conduct of security agencies during elections represents a turning point in the history of election observation. It is based on the expectation that training the searchlight on security agencies will promote a greater sense of responsibility among officers deployed for election duty.<sup>13</sup>

The 2007 general elections offered an opportunity for assessment of the impact of the new code of conduct on the performance of security agencies on election duty. Although, there was no systematic assessment of the conduct of the security agencies since observers were not deployed for this specific purpose, the general assessment of the 2007 elections was that security agencies performed below expectation.<sup>14</sup> Security was adjudged the weakest link in the exercise which has been ranked among the most fraudulent in the annals of elections in the country.

It is against this background that CLEEN Foundation which partnered with the Police Service Commission in 2003 for election observation collaborated with the National Human Rights Commission (NHRC) to observe the 2011 elections. The need to observe the conduct of security agencies in the 2011 general elections is underscored by the fact that this was a crucial election. This is for two reasons. First, it was an election that promised to be the litmus test for the electoral reform initiative of the Yar Adua/Jonathan administration. After admitting that the elections that brought him to power were flawed, late President Yar Adua established a committee on electoral reform. The initiative for electoral reform was expected to contribute to improving the conduct and credibility of the 2011 elections.<sup>15</sup> Second, the controversy surrounding the candidacy of President Goodluck Jonathan and many other incumbent politicians who were perceived to be facing stiff challenges heightened fears of manipulation of security and the prospects of electoral violence. The fears were

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<sup>12</sup> See, Police Service Commission (2003) *Police and policing in Nigeria: final report of the conduct of the police in 2003 elections*, Lagos: Cleen Foundation

<sup>13</sup> See, CLEEN Foundation (2010) 'Policing elections in Nigeria: an assessment of the role of the Nigeria Police Force in Elections in Nigeria', <http://www.cleen.org/Policing%20Election%20Report.pdf> (accessed 20 August 2011)

<sup>14</sup> See, E. Alemika and S. Omotoho (2008) 'Nigeria 2007 General Elections: Betrayal of electorate optimism and participation', Lagos: ACE and CLEEN Foundation

<sup>15</sup> R. Suberu (2007) 'Nigeria's muddled elections', *Journal of Democracy*, Vol. 18, No. 4, pp. 95-110.

aggravated by the outbreak of incidents of communal and religious violence in different parts of the country as the country approached the 2011 general elections.<sup>16</sup> The government had responded to these early warning signals by embarking upon massive mobilization of security agencies, indicating that the 2011 elections were likely to be the most policed elections in the country's history.<sup>17</sup> The Nigerian Armed Forces and the Nigeria Police Force as well as paramilitary agencies such as the Federal Roads Safety Corps, Nigeria Immigration Service, Nigeria Custom Service, Nigerian Prisons Service, Vehicle Inspection Directorate and the Nigeria Civil Defence Corps were mobilized for the elections.

Fears that some groups may attempt to disrupt the elections also raised the amber light and signaled the need for reinforcement of security. However, the prospects of such security build-up impacting negatively on human rights and the credibility of the electoral process loomed large. It is against this background that observation and monitoring the conduct of the security agencies was considered imperative.

### **Methodology**

The NHRC and CLEEN Foundation deployed observers during the National Assembly, Presidential and House of Assembly and Governorship elections. Observers were recruited from among professionals and civil society activists in all states of the federation and the Federal Capital Territory who were not members of political parties. The key observation instrument was a questionnaire which observers were expected to complete for each polling unit observed. The questionnaires elicited responses on wide ranging issues such as the punctuality, effectiveness, impartiality and knowledge of security officials about their roles in the election.

Two categories of observers were deployed. The first category consisted of observers stationed in specific polling units to observe proceedings of the elections from the arrival of the voters to the counting of ballot papers and announcement of results. The second category consisted of observers that visited different polling units as well as offices of the Independent National Electoral Commission (INEC) in different states. The two categories of observers served complementary roles. The roving observers were expected to capture trends through on-the-spot assessments of

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<sup>16</sup> See, International Crisis Group (2010) *Northern Nigeria: Background to conflict*, Africa Report, No. 168.

<sup>17</sup> For instance up to 10,000 security officials were deployed for the supplementary elections in Imo State.

different polling units to complement the observers stationed in particular polling units to collect information on the conduct of security agencies on those polling units. The drawback of this approach was the lack of attention to the critical collation centres. However, the strategy enabled the NHRC and CLEEN Foundation to mitigate the challenges of deploying observers to a representative sample of polling units.

A total of 7689 polling units were monitored in the three rounds of elections. This represents some improvement from the 2003 elections when 1045 polling units were observed. The breakdown of number of polling units observed during each of the elections shows that 393, 3677 and 3,619 polling units were respectively observed during the National Assembly, Presidential, and Governorship and state House of Assembly elections. This small sample of the 120,000 polling units in the country has implications for the generalization of the findings of the Observer Mission. Nevertheless, the randomness adopted for selection of polling units and the deployment of observers to all states of the federation and the Federal Capital Territory enhanced the representativeness of observed polling units. Consequently, the conclusions of the observation reports can be considered to provide a fair reflection of the conduct of security officials in the 2011 General Elections.

Information collated were analysed with the aid of social science statistical package and results were presented in the format of frequency and correlation tables. Results were generally presented according to states and geo-political zones. Results of the findings for each election observation were presented as preliminary findings in press conferences organized and addressed by representatives of NHRC and CLEEN Foundation. The preliminary statements were given wide publicity in the media and circulated to critical stakeholders. This strategy was adopted to ensure that lessons learned are shared in order to enhance possibilities for addressing loopholes observed in earlier elections.

This final report provides a comprehensive analysis of all reports submitted by observers that observed the conduct of security officials in the three elections. The reports of the observers are considered credible as observers conducted their assignment in a relatively free environment. There were very few reported cases of attempts to obstruct election observation. Public enlightenment campaigns organized by the Independent National Electoral Commission, civil society organizations and the mass media before the elections improved knowledge of the general public and security officials in particular on the important role of election observers in the conduct of free and fair elections.

## Findings

The findings of the election observation mission will be presented in two sub-sections. These are the presence and punctuality of security officials, and the conduct and effectiveness of security officials.

### *Presence and punctuality of security officials*

The observation checklist elicited information on the number of security officials present at each polling unit and whether or not security officials were punctual and stayed at their election duty posts. Analysis of results showed that security officials were present in most polling units observed. Less than 1 per cent of polling units were reported to have no security officials in the election. Majority of polling units had more than 2 security officials. As Table 1 shows, security officials were fairly distributed to different zones of the country. However, the South South zone had the highest percentage of polling units with 3 or more security officials while the South East had the lowest percentage of polling units with 3 or more security officials. The observation could not reveal any systematic rationale for deployment of security officials. It is noteworthy that there was no noticeable increase in deployment of security officials after successive elections. For instance, the post presidential election violence in several northern states did not appear to influence deployment of security officials in the governorship and state legislature elections.

The observation reports showed that in majority of cases, security officials arrived at the polling units by 8 am when elections were supposed to commence as shown in Table 2. However, late arrival was most recorded in the South East zone and observation reports suggest that security officials were most punctual during the presidential elections. This is undoubtedly as a result of the criticisms that trailed late arrival of personnel and materials during the National Assembly election which held a week before the Presidential elections. However, this record was not sustained. This is because with the exception of the South East zone, a lower percentage of security officials arrived at the polling units by 8 am during the governorship and state legislature election than was recorded in the presidential elections. It would appear that the importance attached to the presidential elections may have accounted for the higher percentage of security officials that were punctual for election duty during the presidential elections.

Generally, observers considered the presence of security officials at polling units to be adequate. Most of observers claimed that the presence of security officials at all times at the polling units was either 'very adequate' or 'adequate'.

**Table 1: Presence of security officials at the Polling Centres**

<i>Zones and Election</i>	<i>No police</i>	<i>1-2 police</i>	<i>3 or more police</i>
<b>North – Central</b>			
• National Assembly	0	46	53
• Gubernatorial and States’ House of Assembly	0	46	52
• Presidential	0	39	58
<b>North – East</b>			
• National Assembly	0	57	43
• Gubernatorial and States’ House of Assembly	0	60	36
• Presidential	0	60	37
<b>North – West</b>			
• National Assembly	0	53	47
• Gubernatorial and States’ House of Assembly	0	65	32
• Presidential	0	65	33
<b>South – East</b>			
• National Assembly	0	58	38
• Gubernatorial and States’ House of Assembly	0	69	27
• Presidential	1	67	28
<b>South – South</b>			
• National Assembly	0	35	66
• Gubernatorial and States’ House of Assembly	1	52	47
• Presidential	0	40	58
<b>South – West</b>			
• National Assembly	0	57	43
• Gubernatorial and States’ House of Assembly	0	73	24
• Presidential	0	73	25

*Conduct and effectiveness of security officials*

The observer's checklist contained a number of questions intended to gauge the general conduct of the security officials and their effectiveness at the polling units. The questions were carefully designed to show the extent to which security officials were aware of and complied with electoral rules and code of conduct. In their responses to some of these questions, observers appeared to have been generally satisfied with conduct of the security officials. To start with the bearing of firearms at the polling units, observers reported that security officials mostly complied with directives not to carry firearms to the polling units. As Table 3 shows, possession of arms by security officials at polling units was minimal but more common in polling units in the South South and North West zones during the National Assembly election.

**Table 2: Punctuality of security officials at the Polling Centres**

<i>Zones and Election</i>	<i>Police arrived before or by 8 a.m.</i>	<i>Police arrived between 8 a.m. and 9 a.m.</i>	<i>Police arrived after 9 a.m.</i>
<b>North – Central</b> <ul style="list-style-type: none"><li>• National Assembly</li><li>• Gubernatorial and States' House of Assembly</li><li>• Presidential</li></ul>	70 63 69	21 27 19	9 8 9
<b>North – East</b> <ul style="list-style-type: none"><li>• National Assembly</li><li>• Gubernatorial and States' House of Assembly</li><li>• Presidential</li></ul>	51 56 63	25 31 27	25 8 6
<b>North – West</b> <ul style="list-style-type: none"><li>• National Assembly</li><li>• Gubernatorial and States' House of Assembly</li><li>• Presidential</li></ul>	54 59 68	36 30 23	11 7 7
<b>South – East</b> <ul style="list-style-type: none"><li>• National Assembly</li><li>• Gubernatorial and States' House of Assembly</li><li>• Presidential</li></ul>	31 49 44	23 29 35	46 19 17

<b>South – South</b>			
• National Assembly	63	17	20
• Gubernatorial and States’ House of Assembly	51	27	20
• Presidential	62	22	14
<b>South – West</b>			
• National Assembly	60	29	12
• Gubernatorial and States’ House of Assembly	56	23	6
• Presidential	67	23	5

With regards to display of courtesy, most of the observers considered the security officials to have been courteous and approachable during the general elections. The security officials were adjudged courteous by 80 per cent of observers in all zones and during all three elections. A similar trend of high level of satisfaction was expressed by observers on the degree of impartiality demonstrated by security officials in the polling units they observed as shown in Table 3. It should be noted that observers felt security officials were not impartial in the discharge of election duty in between 10 and 20 per cent of polling units in some states such as Bornu, Ebonyi, Ogun, Ondo and Kaduna.

The observers were also highly impressed by the ability of security officials to maintain order at polling units. Correspondingly, a large majority of observers reported that the polling units appeared safe and secure to all participants in the electoral process. In the isolated cases where observers reported of threats to security, they were highly impressed at the level and character of responses of security officials to the perceived threats. Exceptions to expression of satisfaction were recorded during the governorship and state legislature election in the South East and North East and during the National Assembly election in Bornu State where observers were dissatisfied with the manner of response of security officials to security threats in 25 per cent of polling units.

Observers also reported that security officials in most polling units followed the instructions of the presiding officers during the three elections. However, in some states notably Delta, Zamfara, Lagos and Cross River observers reported that security officials in at least a quarter of polling units failed to follow instructions of the presiding officer.

One other important finding of the observation was the minimal use of force during the elections. The National Assembly elections recorded the highest case of use of force by security officials in 9 per cent of polling units. In such cases where security officials were reported to having used force on some persons during the election, observers considered such use of force as necessary in most polling units. Only in 8 per cent of polling units during the National Assembly elections was use of force considered ‘not necessary at all’. Furthermore, in most polling units where security officials applied force, observers reported that the type and degree of force applied was generally proportionate to the perceived threats to security.

It is hardly surprising therefore that the assessment of observers about the overall conduct of security officials in polling units during the elections was mostly positive. As Table 4 shows only in an insignificant percentage of polling units was the conduct of security agencies considered to be ‘fair’, ‘poor’ and ‘very poor’. Interestingly, assessment of the overall conduct of security agencies plummeted after successive elections. The observers were most impressed by the conduct of security officials in the first election (National Assembly) and least impressed with their conduct in the last election (Governorship and House Assembly). A plausible explanation for this trend is likely to be found in high stakes involved in the gubernatorial and state legislature elections and the accompanying challenges of policing the elections.

**Table 3: Police Conduct at the Polling Centres**

<i>Zones and Election</i>	<i>Police armed with firearms? (%yes)</i>	<i>Police courteous and approachable? (%yes)</i>	<i>Police showed impartiality (%yes)</i>	<i>Police maintained orderliness? (%yes)</i>	<i>Feeling of security at poll centres? (%yes)</i>	<i>Police handling of security threats? (%yes)</i>
<b>North – Central</b>						
• National Assembly	12	89	81	74	89	75
• Gubernatorial and States’ House of Assembly	12	89	93	80	77	81
• Presidential	11	91	91	83	83	76

<b>North – East</b>						
• National Assembly	5	90	93	88	87	89
• Gubernatorial and States’ House of Assembly	12	92	92	87	81	56
• Presidential	11	90	88	87	79	79
<b>North – West</b>						
• National Assembly	15	89	83	76	79	69
• Gubernatorial and States’ House of Assembly	13	93	93	90	86	85
• Presidential	11	92	90	83	84	65
<b>South – East</b>						
• National Assembly	8	90	83	72	81	100
• Gubernatorial and States’ House of Assembly	4	89	83	89	85	63
• Presidential	6	91	83	90	89	77
<b>South – South</b>						
• National Assembly	20	85	80	89	83	57
• Gubernatorial and States’ House of Assembly	7	94	93	89	87	62
• Presidential	9	95	87	95	93	93
<b>South – West</b>						
• National Assembly	7	93	76	95	88	100
• Gubernatorial and States’ House of Assembly	7	92	90	90	82	84
• Presidential	12	93	85	92	83	88

**Table 4: Assessment of overall conduct of security officials**

<b>Assessment</b>	<b>National Assembly</b>	<b>Presidential</b>	<b>Governorship/ State House of Assembly</b>
Very good	31	19	15
Good	48	62	65
Fair	7	10	12
Poor	0	1	1
Very poor	2	0	1

### **Conclusions**

The foregoing findings reveal that the security officials deployed on election duty at polling units performed beyond expectation as most observers adjudged their overall conduct in the three elections to be either 'very good' or 'good'. This is a marked improvement to the 2003 elections when the report of the Police Service Commission concluded that:

Based on information collected, the following areas of observed police conduct at the polling centres during the April and May 2003 elections appeared less than satisfactory. These were impartiality in the performance of their duty; punctuality, and use of force. *Notwithstanding, considering the structural and institutional limitations under which the police in the country, especially during elections, police conduct and performance at the polling centres during the April and May 2003 elections were generally satisfactory.*

The improvement recorded can be attributed to the concerted efforts of government agencies with oversight functions on the conduct of security agencies, INEC and civil society organizations such as CLEEN Foundation after the 2007 elections. There are indications that several recommendations of the Police Service Commission which were taken on board may have contributed to the improvements observed in the 2011 elections. Noteworthy is the inter-agency coordination which saw other security and para-military agencies collaborating effectively with the police during the elections.

However, although the reports from observers discussed above give very good rating of security officials there is need for caution in making generalizations on the basis of observation exercises that were confined to polling units. There is no doubt that such generalization about the conduct of security agencies would entail observation of the whole gamut of interventions of security agencies in the electoral process. The observation did not include conduct of security officials during transportation of electoral materials and at the collation centres where, as the 2003 election observation report of the Police Service Commission admitted, most of the election fraud was perpetrated. Sadly, the 2011 Election Observation Mission failed to apply the recommendation of the 2003 report that observation should be extended to activities of security officials during the transportation of election materials and at the collation centres.

### **Recommendations**

The recommendations stated below were part of the preliminary reports issued after the three general elections and the supplementary elections in Imo State (see appendices). We consider them to be still relevant and wish to emphasize the need for them to be taken seriously by relevant authorities and stakeholders. It is however apposite to emphasize elections the following recommendations:

#### *I. Security reinforcement during movement to collation centres*

The security agencies need to institute an enquiry into all reported cases of ballot box snatching with a view to sanctioning officials designated for providing security for movements in such cases. Future election observation should also entail observation of the movement of materials to the collation centres and the conduct of officials at such centres.

#### *II. Prosecution of suspected partial security officials*

Press reports and observation reports show that in several states of the federation, some security officials were alleged to have supervised electoral fraud or provided security for perpetrators of electoral fraud. We reiterate the call for investigation of all suspected cases of compromise by officials and prosecution of officials found guilty. Urgent prosecution of offenders would serve as a deterrent to other officers in future elections. It is hoped that the Electoral Offences Tribunal when set up would have powers to prosecute security officials involved in electoral malpractices.

### *III. Post-election reviews*

It would appear that the security agencies seemed to have moved on to other security challenges in the nation. Two months after the election, there has not been any systematic debriefing of security officers involved in election duty and security agencies are yet to provide a comprehensive report on their involvement in the election. It is important to reiterate the call for a post-election review of the intervention of security agencies in the election. The review should be comprehensive and aimed at exposing lessons learned to enhance performance in future elections.

### *IV. Special training of security officials*

The different security agencies need to incorporate election duty in their training curricula. This is important as the nation's security agencies would be called upon to play important roles in future elections. It is necessary that officers understand the challenges of security in elections and appropriate tools of engagement. This would imply extending the code of conduct for police officers on election duty to officials of other security agencies.

### *V. Strengthen capacity of civil society*

There is need for continued strengthening of the capacity of civil society organizations working with security agencies. Such support would go a long way in enhancing the capacity of such organizations to embark on comprehensive programmes beyond the electoral cycle.

# Appendix

## **Preliminary Statement issued by the National Human Rights Commission and the CLEEN Foundation on the Conduct of Security Officials in the National Assembly Election held on April 9, 2011**

### **Background**

One of the most important preconditions for free, fair and credible election is the guarantee of security of people and materials involved in the electoral process. Security, in this respect refers to the absence of harm and threat to the personnel of the electoral management body, politicians, electorates and the general public during voter registration, campaigns, primaries, polling, collation and declaration of results and post-election dispute resolution. It also refers to the safety of election materials.

Historically, elections in Nigeria have been characterised by violence due to political intolerance, lapses in the conduct of the elections as well as inadequate, ineffective, partial and generally unprofessional security personnel at the polling units and collation centres. Beside violence, there have also been reports of complicity of security officials in several electoral malpractices, including ballot box snatching and stuffing, disruption of voting and alteration of election results. These security lapses and challenges contributed to the lack of credibility associated with past elections in the country.

The realisation of the significance of security in elections and the enormous powers security agencies exercise prompted the efforts to embark on observation of their conduct during elections. This novel practice started in 2003 when the Police Service Commission (PSC) with technical assistance from the CLEEN Foundation designed a Guideline for the Conduct of Police Officers on Electoral Duty as well as observed and issued reports on police adherence to the guideline in each of the three strands of elections conducted by Independent National Electoral Commission (INEC) in 2003.

During the 2007 elections, the Police Service Commission and the National Human Rights Commission also monitored the behaviours of police officers deployed for election duties and issued reports. One of the consistent findings of the 2003 and 2007 was that armed security agencies attached to political office holders were sometimes used to disrupt elections, to aid ballot snatching and stuffing, and to intimidate and scare opponents. Fortunately, this finding has led to the directive by the

Nigeria Police Force prohibiting armed security aides from accompanying political office holders to the polling stations during 2011 elections.

However, events in the build up to the April 2011 elections highlighted security as both a weak link in the preparations and a very important ingredient in enhancing the credibility of the elections. These included the spate of bombing of public spaces leading to scores of deaths; maiming and assassination of political aspirants; contradictory directives by INEC and security chiefs on whether voters should stay at the polling stations or go after voting; and the disappointing postponement of the national assembly elections from April 2 to 9 due to logistics problems faced by INEC. The most dramatic being the election eve bombing of INEC office in Suleja, Niger State, which killed and injured a number of youth corpsers among other INEC officials. These incidents underscored the need to pay special attention to security and security officials in the elections.

In the ongoing elections, the National Human Rights Commission, CLEEN Foundation, OSIWA and the UNDP are collaborating to observe the conduct of all security personnel deployed on election duty and not just the police as was the practice in the past. The need to extend the exercise to other security agencies involved in elections is based on the fact that they all play important and complementary role to the police during elections and have become very visible in their functions at polling stations in the fourth republic elections. These agencies include Federal Road Safety Commission, Civil Defence Corp, Immigration Service, Custom Service, Prison Service and the armed forces complement the police in security elections

### **The Functions of Security Agencies During Elections**

The Guidelines issued by the Police Service Commission Foundation identified six major function areas for the police during elections, which are relevant to all security agencies involved in the electoral process. These are:

1. Safeguarding the security of lives and property of citizens during campaign and voting, so that citizens will not feel unsafe on account of holding, associating with or expressing a political opinion;
2. Ensuring the safety of electoral officers before, during and after elections;
3. Providing security for candidates during campaigns and elections;
4. Ensuring and preserving a free, fair, safe and lawful atmosphere for campaigning by all parties and candidates without discrimination;
5. Maintaining peaceful conditions, law and order around the polling and counting centres;

6. Providing security for electoral officials at voting and counting centres; and ensuring the security of election materials at voting and counting centres and during their transportation thereto. It is the duty of the police to ensure that election materials are not stolen, hijacked, destroyed or fraudulently altered by any group or person.

In carrying out these functions security agents are expected to exhibit the qualities of alertness, approachability, professionalism, impartiality, fairness, restraint in the use of force, prompt communication with superior in event of imminent security threat, adequate knowledge of the electoral law, wearing of identification tag, and collaboration and cooperation with relevant legitimate electoral, security and civil society officials. These were the qualities and factors we paid special attention to in observing the conduct of security officials during the national assembly election of April 9, 2011 across the country.

### **Methodology**

A total of 370 observers were deployed across the 36 states of Nigeria and Abuja the Federal Capital Territory, at a ratio of 10 observers per state. In each state, seven of the observers were stationed in particular polling stations to observe conduct of security officials from the time they arrived to the end of the elections. The remaining three were roving observers who covered each of the three senatorial districts in a state. However, the selection of polling stations that were observed was based on purposive rather than random sampling methodology, given the volatile nature of the exercise.

The checklists used in the observation consisted largely of close-ended questions to enable generation of quantitative measurement of the findings. However, incident sheets were also provided to enable recording of particular incidents the observers witnessed. The checklist has a total of 26 questions, designed to elicit answers to questions bordering on punctuality, professionalism, impartiality, politeness and alertness of the security officials in each polling units. Observers were to complete the checklist through observation and interview of randomly selected voters and security officials in each polling unit.

A total of 393 completed questionnaires were returned indicating that 393 polling units across Nigeria were observed during the National Assembly elections. The findings that follow are based on analysis of the checklists and media reports on the elections. Caution is advised on generalisations based on the findings given the small number

of polling stations observed, the preliminary nature of this statement and more importantly the use of convenience rather than classical random sampling methodology in the observation. However, the report provides important insights and analysis that have not been explored elsewhere.

## **Findings and Recommendations**

### **1. Punctuality**

Observation reports indicated that Security officials arrived 55% of the polling units before 8.00am when polling was supposed to commence. This early turnout was however not nationally representative. The North Central zone recorded the highest percentage of polling units with early arrival of security officials respondents (70%), while the South East had the lowest (31%). Given the general complaints across the country of late arrival of electoral officials to polling units, it would appear that in many cases, security officials arrived earlier than the electoral officials, and correspondingly did not accompany officials to the polls as the electoral regulation stipulated. Observers also reported that security officials stayed at the polling unit until the end of the voting exercise in most polling units. Only 27% of polling units did the security officials leave the unit during the polling exercise. The South-south (42%) and Southeast (31%) zones respectively had the highest number of polling unit where the security officials left the units during the exercise. The most common reasons given for leaving the polling unit was refreshments. However, this is not to suggest that the polling units were unmanned in a large number of cases. In most of polling units (78%) security officials were present at the polling units at all times.

### **2. Deployment**

Generally, three or more security officials were deployed to the 48% of polling units and 28% of polling unit had at least 2 security officials. Consequently, 48% of polling units were deemed to have adequate security while another 25% were said to have very adequate security. The South-south zone had the highest number of polling units with three and above security officials (67%), while the South East zone had the lowest (38%). Moreover, it was observed that there was inequitable distribution of security officials to polling units as some polling units with equal number of voters had more security officials. The security officials were easily identifiable in 85% of polling units as the officials complied with directives to wear identifiable nametags.

### **3. Conduct of the security officials at the polls**

Responses from Nigerians across various social strata so far suggest that there is a high level of public satisfaction with security officials in the 2011 National Assembly elections. This was confirmed by the observers' reports. Firstly, in 89% of polling units observers felt the security officials were approachable. This perception was consistent across geo-political zones. Secondly, security officials in most polling units (81%) were considered to be impartial. There was significant variance across geopolitical zones on perception of impartiality as 21% and 19% respectively of South West and North Central polling units were said to have security officials that displayed partiality. It would appear however that this result is not reflective of the varying levels of allegations of collusion by security agents across the country. Complaints appear strongest in the South East and South-south zones. The strong showing of opposition parties in the polls in the North Central and South West zones might explain why there are fewer allegations of partiality by security officials among the politicians in these zones. Thirdly, in most of the polling units (78%) security officials were perceived to have followed instructions of presiding officials. It is hardly surprising that security officials were rated to be of very good conduct in most polling units (79%). In fact, in 70% of polling units security officials who acquitted themselves well were recommended for commendation. The opinions expressed by observers confirmed the feelings of cross sections of Nigerians as reported in the mass media that the security officials performed creditably during the National Assembly polls.

### **4. Safety and security of the polling units**

One of the criteria for the conduct of free, fair and credible elections is the degree of safety and security at the polling units. Lack of safety and perception of insecurity lead to disenfranchisement as eligible voters tend to stay away from the polling units and those who turn out to vote are sometimes compelled to vote against their consciences. As earlier indicated, the 2011 elections were conducted against the background of fears of security threats magnified by the claim of some security chiefs that the modified open ballot system, which allowed voters to remain at polling units, was a major security risk. Reports from observers across the country however indicated that these fears were misplaced as most polling units were considered 'very safe and secure' (35%) and 'safe and secure' (49%). Only 1% felt the polling units was not safe and secure at all.

This strong feeling of security and safety of the polling units is underscored by the fact there were no security threats in 79% of polling units. Among 13% of polling units where there were threats, security officials were adjudged to have handled the

threats very well. The security officials did not use force to handle the situations. In fact, among the few polling units where security officials used force, most observers (80%) felt use of force was necessary. The conduct of the police was considered commendable even in cases of use of force as observers felt the force deployed was proportionate to the identified threat.

The likely reason for the minimal use of force at the polls was the fact that the security officials generally complied with the instruction not to carry arms to the polling units. In 74% of polling units security officials were not armed with firearms. However, there was significant variance across geo-political zones with the South-south recording 21% of polling units where security officials were armed with firearms. This is not surprising given the spate of political violence in the region and the allegation by some opposition party elements that security officials attached to the Joint Military Task Force (JTF) in the Niger Delta were deployed for election duty.

#### **5. Security to collation centres**

Experience from previous elections has shown that it is not sufficient to provide security to polling units. The security agencies need to guarantee security of polling materials and safety of electoral officers to collation centres. Against this background, the guidelines for security officials to escort polling officials to the collation centres were issued. Moreover, armed security officials were deployed to strategic locations to monitor movements of electoral materials. The reports of observers showed that the system functioned largely well. In majority of the polling units (66%) security officials accompanied the polling officials to collations centres. However, in a considerable proportion of polling units (13%) the security officials did not provide security for transportation of the ballot boxes after the election. Observer reports showed particularly that this regulation was not very well followed in the South East zone. Only in 44% of polling units did security officials provide security for movement to collation centres while the situation was not clear in other polling units. The large number of units where there was no security for movement to collation centres lends credence to the widespread perception that collation of results was the weakest link in the conduct of the 2011 National Assembly elections. The reports of sporadic incidents of snatching and diversion of ballot boxes occurred during the movement to collation centres.

#### **Recommendations**

The National Assembly has generally and rightly been adjudged to be substantially free, free and credible. However, election observation conducted by CLEEN revealed

a number of lessons especially in the conduct of security officials, that need to be addressed to guarantee the success of the upcoming presidential, gubernatorial and house of assembly elections.

*I. Mandate protection*

The observation team showed that the modified open ballot system which allowed voters to stay back enhanced the security of the polling unit. The system needs to be reinforced and conflicting statements issued by security chiefs should be streamlined.

*II. Early deployment*

The security agencies should ensure that security officials are deployed early enough as they arrived on time only in 55% of the polling stations observed. While there, they should have enough provision to sustain them throughout the voting exercise.

*III. Security reinforcement during movement to collation centres*

Reports of sporadic snatching of ballot boxes during the movement to collation centres suggests the need for reinforcement by armed escorts during transport of results to collation centres.

*IV. Redeployment of suspected partisan security officials*

In cases where security officials played suspected partisan roles such officials should be redeployed and investigated accordingly. There is need for a comprehensive review of the performance of security officials involved in the elections in several South East and South-south states

*V. Enforcement of Regulations on firearms*

The absence of firearms at the polling units enhanced security and more effective management of conflict. This regulation, especially the regulation which prohibits incumbents from coming to the polling units with armed escorts, should be enforced.

*VI. Timely prosecution of election rule offenders*

Early and open trial of suspected violators of election regulations arrested in the last election will help check security breaches and enhanced credibility of the role of the security agencies on elections.

*VII. Post-election reviews*

Security agencies should embark on post-election review of security after each election with inputs from independent observers, INEC Monitors and the mass media.

## **Preliminary Statement issued by the National Human Rights Commission and the CLEEN Foundation on the Conduct of Security Officials in the Presidential Election held on April 16, 2011**

### **Background**

Free, fair and credible election requires the guarantee of the security of people and materials involved in the electoral process. The personnel of the electoral management body, politicians, electorates and the general public should be protected from violence and intimidation during voter registration, campaigns, primaries, polling, collation and declaration of results and post-election dispute resolution. In addition, the safety of the election materials should be guaranteed.

Past elections in Nigeria were generally characterised by violence due to political intolerance, lapses in the conduct of the elections as well as inadequate, ineffective, partial and generally unprofessional security personnel at the polling units and collation centres. Beside violence, there have also been reports of partiality and the involvement of security officials in several electoral malpractices, including ballot box snatching and stuffing, disruption of voting and alteration of election results. These security lapses and challenges contributed to the lack of credibility associated with past elections in the country.

A preliminary report on the conduct of security officials during the last parliamentary was released last week. Today, we present the preliminary report on the observation of the conduct of security personnel during the presidential election held on April 16<sup>th</sup> 2011. We are aware that the Police Service Commission has also deployed its staff to monitor the conduct of the police on election duties. We hope that the two reports will serve as basis for enhancing the performance of the security agencies in the professional policing of elections as required by democratic practices.

Prior to the April 2011 elections, there were concerns about the state of security as incidences of violence were recorded in different parts of the country. There were cases of bombing of public spaces leading to scores of deaths; maiming and assassination of political aspirants; contradictory directives by INEC and security chiefs on whether voters should stay at the polling stations or go after voting; and the disappointing postponement of the national assembly elections from April 2 to 9 due to logistics problems faced by Independent National Electoral Commission

(INEC). The most dramatic incidences of violence were the election eve and Election Day bombings of INEC offices in Suleja, Niger State and Maiduguri, Borno State respectively. Whereas the Suleja incident killed and injured a number of persons, among other INEC officials, the Maiduguri incident recorded no loss of life. These and other incidences of violence scared people away from exercising their franchise and heightened tension in the polity thus underscoring the need to pay special attention to security and security officials in the elections.

In the on-going elections, the National Human Rights Commission and CLEEN Foundation, with support from the Open Society Initiative West Africa (OSIWA) and the United Nations Development Program (UNDP), are collaborating to observe the conduct of security personnel deployed for election duties and not just the police as was the practice in the past. The need to extend the exercise to other security agencies involved in elections is based on the fact that they all play important and complementary role to the police during elections. Several security agencies have become very visible in their functions at polling stations in the fourth republic elections. These agencies include Federal Road Safety Commission, Nigeria Security and Civil Defence Corp, Nigeria Immigration Service, Nigeria Custom Service, Nigeria Prison Service and the Nigerian Army which complemented the Police in election security duties

### **The Functions of Security Agencies During Elections**

The Guidelines issued by the Police Service Commission identified six major function areas for the police during elections, which are relevant to all security agencies involved in the electoral process. These are:

1. Safeguarding the security of lives and property of citizens during campaign and voting, so that citizens will not feel unsafe on account of holding, associating with or expressing a political opinion;
2. Ensuring the safety of electoral officers before, during and after elections;
3. Providing security for candidates during campaigns and elections;
4. Ensuring and preserving a free, fair, safe and lawful atmosphere for campaigning by all parties and candidates without discrimination;
5. Maintaining peaceful conditions, law and order around the polling and counting centres;
6. Providing security for electoral officials at voting and counting centres; and ensuring the security of election materials at voting and counting centres and during their transportation thereto. It is the duty of the police to ensure that

election materials are not stolen, hijacked, destroyed or fraudulently altered by any group or person.

In carrying out these functions, security agents are expected to exhibit the qualities of alertness, approachability, professionalism, impartiality, fairness, restraint in the use of force, prompt communication with superiors in event of imminent security threat, adequate knowledge of the electoral law, wearing of identification tag, and collaboration and cooperation with relevant legitimate electoral, security and civil society officials. These were the qualities and factors we paid special attention to in observing the conduct of security officials during the national assembly election of April 9, 2011 and the presidential election of April 16, 2011 across the country.

### **Methodology**

Observers were deployed across the 36 states of Nigeria and Abuja the Federal Capital Territory. Majority of them were stationed in particular polling stations to observe conduct of security officials from the time they arrived to the end of the elections. The remaining were roving observers who covered each of the three senatorial districts in a state. However, the selection of polling stations that were observed was based on purposive rather than random sampling methodology.

The checklists used in the observation consisted largely of close-ended questions to enable generation of quantitative measurement of the findings. However, incident sheets were also provided to enable recording of particular incidents the observers witnessed. The checklist has a total of 26 questions, designed to elicit answers to questions on punctuality, professionalism, use of force, impartiality, politeness and alertness of the security officials in each polling unit. Observers were to complete the checklist through observation and interview of randomly selected voters and security officials in each polling unit.

A total of 3,992 completed questionnaires were returned indicating that 3,992 polling units across Nigeria were observed during the presidential election. However for the purpose of this preliminary report a random sample of 964 completed questionnaires were analysed for the Preliminary report. The findings that follow are based on analysis of the checklists and media reports on the elections. Caution is advised on generalisations based on the findings given the small number of polling stations observed, the preliminary nature of this statement and more importantly the use of convenience rather than classical random sampling methodology in the observation.

However, the report provides important insights and analysis that have not been explored elsewhere.

## **Findings and Recommendations**

### **1. Punctuality**

Observation reports indicated that security officials arrived 65% of the polling units before 8.00am when polling was supposed to commence while 26% arrived between 8 and 9 am. This result shows an improvement on level of punctuality recorded in the National Assembly elections. Generally, the South-East and South-South zones had the highest percentage of polling units where security officials arrived after 8 am when voting was expected to have commenced. Security officials were also reported to have remained in the polling units until the end of the voting exercise in most polling units. Only in 17% of polling units did security officials leave the polling units during the elections. This also represents a slight improvement on the National Assembly elections in which observers reported that security officials left 27% of polling units during the election. The improvement can be attributed to the presence of food and drink vendors at polling units that was obviously a market response to the observed demand for refreshments at polling units during the National Assembly elections. Like in the previous election, observers reported that most of polling units (79%) were manned by security officials throughout the duration of the polls.

### **2. Deployment**

Generally, 3 or more security officials were deployed to the 35% of polling units and 36% of polling unit had at least 2 security officials. Consequently, 51% of polling units were deemed to have 'adequate' security while another 26% were said to have 'very adequate' security. The South-South zone had the highest number of polling units with three and above security officials (62%), while the South East zone had the lowest (25%). The security officials were easily identifiable in 83% of polling units with nametags. The northern zones remarkably had the highest percentage of polling units where security officials were reported to be without nametags. Reports from observers showed that all the polling stations in the city centers had adequate security personnel while some polling stations in the suburbs and hinterland had fewer or no security personnel deployed to them.

### **3. Conduct of the security officials at the polls**

The observers also reported that the conduct of security officials was in most cases satisfactory, consistent with observations in the National Assembly elections. Most of the polling units were recorded to have security officials whose overall conduct was rated to be 'good' (58%) and 'very good' (23%). The friendly disposition of security officials was noticeable in most of the polling units with observers recording that they found the security officials 'very approachable' (92%). This disposition of security personnel can be attributed to sustained sensitisation and training of security personnel deployed on electoral duties for 2011 general elections by the National Human Rights Commission, CLEEN Foundation, civil society groups and other stakeholders. The same percentage of polling units recorded security officials who were considered to have been 'impartial' and 'very impartial' during the polls. However, there was significant variance in perception of partiality or otherwise of security officials across the states. States with highest record of polling units where security officials were considered partial are Benue (50%), Ogun (40%), Akwa Ibom (23%), Cross River (23%), Anambra (20%) and Kebbi (18%). To these states must be added Delta and Rivers States where observers curiously did not record perception of partiality of security officials.

In most of polling units (72%), security officials were reported to have followed instructions of presiding officials during the elections. This percentage is, however, relatively lower than the compliance rate (78%) recorded at the National Assembly elections. The North Central (15%) and South South (11%) zones recorded the largest percentage of polling units where security officials reportedly failed to comply with instructions of presiding officials. This trend probably also explains the drop in percentage of polling units in which observers were willing to recommend security officials for recognition from 70% recorded in the parliamentary elections to 50% in the presidential elections.

### **4. Safety and security of the polling units**

Safety and security of polling units is a very important precondition for conducting free, fair and credible elections. This explains why safety of polling units was one of the major areas of concern before the commencement of the 2011 elections, especially the controversy over the security implications of the modified open ballot system. The relative sense of security reported in the National Assembly elections expectedly rubbed off on the presidential elections as voters were perceived to have felt safe and secured in most of the polling units (86%). Only an infinitesimal 1% of polling units was considered 'not safe and secure at all'. Again, observers noted that the presence of voters at the polling units throughout the duration of the polls engendered a

greater sense of security even for the INEC officials who could easily be overpowered by hoodlums and party agents if left alone after voting.

The perceived slight improvement in sense of security of polling units is also evidenced by the fact that only 10% of polling units, as against 13% reported in the National Assembly elections, witnessed incidents considered as threats to security. Security officials were also credited to have handled the threats in a commendable manner with minimal cases (6%) in which force was used. The North Central (12%) and North East (10%) had the highest percentage of polling units where security officials were considered to have used force. This is probably due to the reported incidences of violence in these zones during the elections. Consistent with reports on the National Assembly elections, most of the observers considered the degree of force applied to be proportionate to the level of threat. The minimal use of force at the polls stemmed from the high rate of compliance of security officials with election guidelines on firearms at polling units following adequate training by stakeholders on human rights standards expected of security personnel on election duties.

However, new security threats were identified in the presidential elections. These include cases of reported kidnap and arrest of election observers by security agents and political thugs as well as an isolated incident of kidnap of a female voter in a polling unit in Enugu State. Generally observers were warned across the states by both security personnel and voters to be more careful during the Governorship/House of Assembly elections as tensions are very high in the states on the outcome of the elections of 26<sup>th</sup> April.

##### **5. Security (to)at collation centres**

The observation reports showed that there was no improvement in provision of security (to)at the collation centres. On the contrary, the security officials were reported to have accompanied polling officers and election materials to collation centres from 54% of polling units, a drop from 66% recorded in the parliamentary elections. This anomaly and breach of security was most common in the North Central and South South zones. Thus, security of election materials and personnel to (at) collation officers remained the weakest link during the presidential elections as in the National Assembly elections.

## **6. Security implications of high voter turn-out**

Observation reports also indicated that the relatively higher voter turn-out recorded in the presidential elections in some parts of the country generated a security challenge. The inability of the Independent National Electoral Commission (INEC) to provide ‘baby’ polling units in overpopulated polling units, as promised, contributed to the prolongation of the accreditation of registered voters and disenfranchisement of voters across the country. The struggle among eager voters to get accredited before 12 noon created an atmosphere of disorder in a considerable proportion of polling units with more than 500 registered voters.

## **7. Post-election violence**

Although the presidential election was conducted in a relatively free and peaceful atmosphere, it was marred by post-election violence in several towns in Northern Nigeria. The violence was the spontaneous reaction of supporters of the main opposition candidate to early announcement of results, which showed that their preferred candidate was trailing behind the incumbent president. The rapid spread of the violent protests and significant loss of lives and property suggest that the early warning system for post-election conflict was not very effective. It is gladdening that the security agencies have taken swift measures to prevent further spread of the violence.

## **8. Welfare of security officials**

Adequate provision for welfare of security officials is imperative for the conduct of free and fair elections as it will likely insulate security officials from corruptible offers of politicians. Observers noted complaints of security officials on the non-payment of allowances in some states of the federation. The reported boycott of election duties by security officials in Lagos State was a case in point.

## **Recommendations**

The Presidential election has generally and rightly been adjudged to be substantially free, free and credible. However, election observation conducted by the National Human Rights Commission and CLEEN Foundation revealed a number of lessons especially in the conduct of security officials, that need to be addressed to guarantee the success of the upcoming gubernatorial and house of assembly elections. While noting that recommendations made in our preliminary statement on the National

Assembly elections on Mandate Protection and Early deployment of security officials have been addressed, we wish to restate pending recommendations and raise new ones as follows:

*I. Security reinforcement during movement to collation centres*

Reports of sporadic snatching of ballot boxes during the movement to collation centres suggests the need for reinforcement by armed escorts during transport of results to collation centres.

*II. Redeployment of suspected partisan security officials*

In cases where security officials played suspected partisan roles such officials should be redeployed and investigated accordingly. There is need for a comprehensive review of the performance of security officials especially in Benue, Plateau, Kebbi, Anambra, Akwa Ibom, Abia, Imo, Cross River, Ogun, Delta and Rivers states. This is particularly important as alleged partisanship of some security officials is likely to have a very negative impact on the forthcoming gubernatorial elections.

*III. Enforcement of Regulations on firearms*

The absence of firearms at the polling units enhanced security and more effective management of conflict. This regulation, especially the regulation which prohibits incumbents from coming to the polling units with armed escorts, should be enforced.

*IV. Timely prosecution of election rule offenders*

Early and open trial of suspected violators of election regulations arrested in the last election will help check security breaches and enhanced credibility of the role of the security agencies on elections. It is particularly important that the security agencies are seen as having made some progress in arresting the masterminds, if any, of the post-election violence to restore confidence in the electoral process.

*V. Post-election reviews*

Security agencies should embark on post-election review of security after each election with inputs from political parties, independent observers, INEC Monitors, religious leaders and the mass media.

*VI. Early warning system*

The unfortunate incidents of post-election violent conflict call for the strengthening of the early warning system. Security agencies need to improve on intelligence gathering.

Since observers have been warned generally on the tension in the various states on the April 26 Governorship/House of Assembly elections, there is need for security agencies involved in managing security deployments during the April 26 elections to make extra security arrangements. They should deploy security personnel to both polling stations in city centers, suburbs and hinterland Local Government Authorities (LGAs) etc, provide adequate communication equipment to security personnel for quick response to security alerts and deploy more operational mobile units to support increased demands for assistance from security personnel at the polling stations.

*VII. Special protection of election observers*

The leadership of security agencies involved in the elections should take appropriate steps to provide security for election observers and discipline security officials involved in the violating the rights of election observers.

*VIII. Payment of entitlement of security officials*

Authorities of security agencies should ensure that funds allocated for transportation and feeding allowances of security officials are disbursed before Election Day to enhance morale of the officials and promote the integrity of the electoral process.

## **Preliminary Statement issued by the National Human Rights Commission and the CLEEN Foundation on the Conduct of Security Officials in the Gubernatorial and State House of Assembly Elections held on April 26, 2011**

### **Background**

In continuation of our observation of conduct of security officials in the April general elections in Nigeria, which began with the National Assembly elections on April 9, 2011, the National Human Rights Commission and the CLEEN Foundation, with support from the Open Society Initiative for West Africa (OSIWA) and the United Nations Development Program (UNDP) observed the gubernatorial and state assembly elections held on April 26, 2011 in 34 states across Nigeria.

As we elaborated in our previous statements, our election security observation project was necessitated by widespread concerns among stakeholders about the state of security in Nigeria in the build up to the April elections and the actions/inactions of security agencies in responding to threats and actual incidents of electoral violence, which cumulatively had contributed in given previous elections in the country a bad name among the electorate and observer groups within and outside the country.

The most recent dramatic signposts of on-going concerns about election security have been the election eve bombing of INEC office in Suleja, Niger State, which killed and injured a number of youth corpsers among other INEC officials and post-presidential election violence in some Northern states, which led to brutal killing of many people and large-scale destruction of property. These incidents underscored the need to pay special attention to security and security officials in the gubernatorial and state assembly elections, which we did, focusing on the performance and conduct of the police, Federal Road Safety Commission, Civil Defence Corp, Immigration Service, Custom Service, Prison Service and the armed forces in ensuring adequate security during the elections.

The preliminary reports on the conduct of security officials during the last National Assembly elections and presidential elections were released on April 12<sup>th</sup> and 19<sup>th</sup> respectively. Today, we present the preliminary report on the observation of the conduct of security personnel during the gubernatorial and state house of assembly elections.

### **The Functions of Security Agencies During Elections**

The election security observation exercise was guided by the Guidelines issued by the Police Service Commission on conduct of police officials during elections, which identified six major function areas relevant to all security agencies involved in the electoral process. These are:

1. Safeguarding the security of lives and property of citizens during campaign and voting, so that citizens will not feel unsafe on account of holding, associating with or expressing a political opinion;
2. Ensuring the safety of electoral officers before, during and after elections;
3. Providing security for candidates during campaigns and elections;
4. Ensuring and preserving a free, fair, safe and lawful atmosphere for campaigning by all parties and candidates without discrimination;
5. Maintaining peaceful conditions, law and order around the polling and counting centres;
6. Providing security for electoral officials at voting and counting centres; and ensuring the security of election materials at voting and counting centres and during their transportation thereto. It is the duty of the police to ensure that election materials are not stolen, hijacked, destroyed or fraudulently altered by any group or person.

In carrying out these functions security agents are expected to exhibit the qualities of alertness, approachability, professionalism, impartiality, fairness, restraint in the use of force, prompt communication with superior in event of imminent security threat, adequate knowledge of the electoral law, wearing of identification tag, and collaboration and cooperation with relevant legitimate electoral, security and civil society officials. We paid attention to these principles in our observations.

### **Methodology**

Observers were deployed across the 34 states of Nigeria in which elections held on April 26<sup>th</sup>. Majority of them were stationed in particular polling stations to observe conduct of security officials from the time they arrived to the end of the elections. The remaining were roving observers who covered each of the three senatorial districts in a state. However, the selection of polling stations that were observed was based on purposive rather than random sampling methodology.

The checklists used in the observation consisted largely of close-ended questions to enable generation of quantitative measurement of the findings. However, incident sheets were also provided to enable recording of particular incidents the observers

witnessed. The checklist has a total of 26 questions, designed to elicit answers to questions on punctuality, professionalism, impartiality, politeness and alertness of the security officials in each polling units. Observers were to complete the checklist through observation and interview of randomly selected voters and security officials in each polling unit.

A total of 1004 completed questionnaires were returned indicating that 1004 polling units across Nigeria were observed during the presidential election. The findings that follow are based on analysis of the checklists and media reports on the elections. Caution is advised on generalisations based on the findings given the small number of polling stations observed, the preliminary nature of this statement and more importantly the use of convenience rather than classical random sampling methodology in the observation. However, the report provides important insights and analysis that have not been explored elsewhere.

## **Findings and Recommendations**

### **1. Punctuality**

Reports from our observers indicated that in 58% of polling units, security officials arrived before 8.00am when polling was supposed to commence while 25% arrived between 8 and 9 am. This result shows a drop in the level of punctuality recorded in the Presidential elections. However, like in the presidential elections, the Southeast and South-South zones had the highest percentage of polling units where security officials arrived after 8am when voting was expected to have commenced. Security officials were also reported to have remained in the polling units until the end of the voting exercise in most polling units. Only in 16% of polling units did security officials leave the polling units during the elections. This is consistent with the improvement observed in the presidential elections, which was attributed to the availability of food and refreshments around the vicinity of polling units. Most of polling units (82%) were manned by security officials throughout the duration of the polls.

### **2. Deployment**

Generally, 3 or more security officials were deployed to the 38% of polling units and 37% of polling unit had at least 2 security officials. This was a slight improvement in the level of deployment recorded in the presidential elections. The North Central (53%) and South-South (45%) had the highest percentage of polling unit with 3 and above security officials. Remarkably however, 1 polling unit in the South-South zone was reported as not having a security official during the election. Like in the presidential

elections, observers were predominantly of the view that the polling units had ‘very adequate’ (25%) and ‘adequate’ (57%) number of security officials. The security officials were easily identifiable in 82% of polling units with nametags. The North West (19%), South East (14%) and South South (11%) zones remarkably had the highest percentage of polling units where security officials were reported to be without nametags.

### **3. Conduct of the security officials at the polls**

The observers continued to express satisfaction at the conduct of security officials in most of the polling units monitored. This is because security officials were considered ‘approachable’ and ‘very approachable’ in cumulative 92% of polling units. Moreover, security officials in most of the polling units were considered to have been impartial in the discharge of their duties. Only in 4% of polling units were security officials deemed to have been partial in the discharge of their duties. It is important however to note the regional variation in the South West zone where 12% of polling units had security officials who were considered to be ‘not impartial at all’.

Like in the presidential elections, observers reported that 72% of polling units had security officials that followed instructions of presiding officials during the elections. As observed in the presidential elections, this percentage is, regrettably relatively lower than the compliance rate (78%) recorded at the National Assembly elections. The North West (25%), South East (16%) and South-South (16%) zones recorded the highest percentage of polling units where security officials reportedly failed to comply with instructions of presiding officials. Still, in most of the polling units (93%) observers rated the conduct of security officials as ‘fair’, ‘good’ and ‘very good’.

### **4. Safety and security of the polling units**

The expression of satisfaction about the conduct of security officials arises from the perception of observers that the security officials provided the required security for the polling units. It would be recalled that the safety and security of polling units was a major source of concern as Nigerians prepared to vote in the gubernatorial and house of assembly elections. It was feared that the bloody post presidential election violence would reverse some of the security dividends of the modified open ballot system reported in earlier elections. Observer reports however show that most polling units (95%) were considered to be safe and secure during the elections. Only in the South East was up to 3% of polling units considered to be unsafe. Furthermore, observers reported that polling units were mostly ‘very orderly’ (29%) and ‘orderly’ (58%). This is consistent with findings of previous elections.

The perceived slight improvement in sense of security of polling units is also evidenced by the fact that only 9% of polling units, as against 13% and 10% reported respectively in the parliamentary and presidential elections, witnessed incidents considered as threats to security. These incidents were however contained as security officials were adjudged to have handled the threats well in 78% of polling units. There was however significant regional variations as observers in the South East (11%) and South-South zones (8%) were least satisfied with the way the security officials handled the security threats. The poor reputation of security officials in the two southern zones in the area of responding to threats is consistent with observations of the last presidential elections. It is also important to note that the degree of satisfaction with the response of security officials to the threats is much lower than what obtained in the previous elections.

The reports of our observers are confirmed by media reports of increased levels of political violence during the gubernatorial and house of assembly elections in various parts of the country. Unlike in previous elections, most of the security threats appeared to have occurred at the polling units where ballot papers and boxes were snatched. This is not surprising given the greater number of contestants and interests and high stakes in the just concluded elections. While the security agencies rose to the occasion, in a number of cases they were reported to have been perpetrators and accomplices of electoral fraud in a number of cases.

#### **5. Security to collation centres**

The observation reports showed that there was no improvement in provision of security to the collation centres. On the contrary, like in the presidential elections, the security officials were reported to have accompanied polling officers and election materials to collation centres from 54% of polling units, a drop from 66% recorded in the parliamentary elections. This anomaly and breach of security was most common in all the zones, as observers could not affirm that security officials accompanied polling officers and materials to collation centres. Unfortunately, we are compelled to restate that security of election material and personnel to collation officers remained the weakest link during the presidential elections as in the National Assembly elections.

#### **6. Impact of post-election violence**

Although there were assurances of improved security following the arrests, detentions and restriction of movements in various parts of the country and postponement of elections in two states as a result of the violence that followed the presidential elections, the mayhem scarred many voters away from the polling units. This resulted in reported

lower voter turnout in various parts of the country, especially in the North. Even in areas not affected by the violence heavy troop deployments impacted negatively on the electoral process, as it tended to favour incumbents in some states.

#### **7. Welfare of security officials**

Adequate provision for welfare of security officials is imperative for the conduct of free and fair elections, as it will likely insulate security officials from corruptible offers of politicians. As in previous elections, observers noted complaints of security officials on the non-payment of allowances in some states of the federation.

#### **Recommendations**

The Gubernatorial and State Houses of Assembly elections have gone generally well and rightly been adjudged to be substantially free, fair and credible. However, election observation conducted by the National Human Rights Commission and CLEEN Foundation revealed a number of lessons especially in the conduct of security officials that need to be addressed to guarantee the success of future elections in Nigeria. While noting that recommendations made in our preliminary statements on the National Assembly and presidential elections on Mandate Protection and Early deployment of security officials have been addressed, we wish to restate pending recommendations and raise new ones as follows:

##### ***I. Proper Management of Deployment of Security Personnel***

There is still evidence of disproportionate deployment of security personnel in favour of urban areas. Whereas rigging of elections are now generally widespread in rural areas and difficult terrains. Improved deployment would be better managed under a joint deployment arrangement and coordination.

##### ***II. Prosecution of suspected partial security officials***

Press reports and observation reports show that in several states of the federation, some security officials were alleged to have supervised electoral fraud or provided security for perpetrators of electoral fraud. We reiterate the call for investigation of all suspected cases of compromise by officials and prosecution of officials found guilty. We restate our recommendation for a comprehensive review of the performance of security officials especially in Benue, Plateau, Kebbi, Anambra, Akwa Ibom, Abia, Imo, Cross River, Ogun, Delta and Rivers states as there was no evidence of improvement of conduct by security officials stationed in these states.

### ***III. Timely prosecution of election rule offenders***

Open trial of suspected violators of election regulations arrested in the last election will help check security breaches and enhanced credibility of the role of the security agencies on elections. It is particularly important that the security agencies are seen as having made some progress in arresting the masterminds, if any, of the post-election violence to restore confidence in the electoral process.

### ***IV. Post-election reviews***

As the 2011 elections are now almost over, it is incumbent on security agencies that participated in the elections to embark on a post-election review of security during the 2011 elections. The review should be comprehensive and aimed at exposing lessons learned to enhance performance in future elections.

### ***V. Special protection of security officials***

The leadership of security agencies involved in the elections should take appropriate steps to provide security for election security. Cases where politicians or their thugs were accused of assaulting security officials should be investigated and those found guilty punished according to the law notwithstanding their position in society.

### ***VI. Payment of entitlement of security officials***

Finally, we restate our recommendation that authorities of security agencies should ensure that funds allocated for transportation and feeding allowances of security officials are disbursed before the Election Day to enhance morale of the officials and promote the integrity of the electoral process.

## **Preliminary Statement issued by the CLEEN Foundation on the Conduct of Security Officials in the Supplementary Imo Gubernatorial and House of Assembly Elections held on May 6, 2011**

### **Introduction**

In line with its commitment to ensuring that security agencies meet public expectations in providing the enabling environment for peaceful conduct of free, fair and credible election, CLEEN Foundation has, in collaboration with the National Human Rights Commission (NHRC), conducted observation of the conduct of security officials during the 2011 elections. Preliminary statements of each of these elections were issued and widely circulated and published in the mass media. Sequel to the declaration of the gubernatorial and state legislature elections in Imo State as 'inconclusive' and subsequent scheduling of supplementary elections on May 6, 2011, CLEEN Foundation embarked upon observation of the conduct of security officials in the election. Roving Observers were mobilized and deployed to the four local government area councils (Mbaitoli, Ngor Okpala, Oguta and Ohaji Egbema) and one ward in Owerri Municipal Council where elections were billed to hold. This statement presents the preliminary findings of CLEEN Foundation observers on the conduct of security officials.

### **Background**

It would be recalled that there were serious concerns about security implications of the supplementary elections in Imo State. The background to this fear was the rising tension in the state over the inconclusiveness of the previous election on April 26. Apparently in reaction to this development, the state government imposed a curfew in the entire state from 10pm on May 5th till 6pm of May 6th, the election day, which was interpreted differently by other stakeholders. In furtherance of the security build-up, the Nigeria Police Force deployed 10,000 police personnel to the state. The Nigerian Army followed suit by deploying troops from its base in Obinze, Imo State. This heavy presence of security officials in the state portrayed the picture of a state under emergency rule. The huge presence of armoured personnel carrier mounted by the military at a major traffic interception near Asumpta Catholic Cathedral in Owerri, the State capital, symbolised this picture. It was under this state of security anxiety that the roving observers went to work.

## Observations

1. Contrary to fears that the heavy presence of security agents would intimidate and deter people from coming out to exercise their franchise, voters from all social backgrounds turned out to vote across the four Local Government Areas where the elections held.
2. But for the death of two persons in Ngor Okpala LGA, who were reportedly shot by security officials while snatching ballot boxes with arms, the elections went without major incidents of pre and post election violence. Undoubtedly, high security presence enabled this outcome.
3. Roadblocks mounted by soldiers and mobile policemen hindered free movement of roving election observers. In at least two locations, mobile policemen delayed passage of observers even when they were showed accreditation badges and approval letters from Independent National Electoral Commission (INEC).
4. The roadblocks did not result in interception of diverted election materials. Rather many cases of recovered ballot materials and arrest of suspects were due to the intelligence offered by community activists and party loyalists. In a particular incident near the INEC Office in Oguta LGA, it took the intervention of soldiers to apprehend suspected thugs with election materials.
5. Security officials were generally adjudged to have displayed impartiality. However, there were isolated incidents of suspected involvement of security officials in electoral malpractices and in, at least one incident, a security official was arrested alongside a newly elected representative with diverted election materials.
6. In most cases, security officials had arrived at polling units by 8.30am and remained at the duty post till the end of the elections.
7. The pattern of deployment of security officials to polling units was arbitrary. While some polling units had up to 10 security officials, some units had only one security official. There is one reported case of a polling unit in Umuagwo, Ohaji Egbema LGA, where no security official was posted.
8. In some polling units, security officials were hostile toward observers. For instance, in Polling Unit 012, Afara, Mbaitoli LGA, security officials failed to intervene when some party agents manhandled and threatened observers.

9. Heavy presence of security officials was not the determinant of security of the polling units. Some polling units with fewer security officials were considered very safe while some units with heavy security were considered very unsafe. The determinant of security appeared to be the degree of polarization in the community and people's perception of the integrity of the electoral process. People felt very unsafe in areas, such as Oguta, where elections were delayed due to late arrival or non-arrival of election personnel and materials.
10. INEC's inadequate logistic preparation was a major threat to security during the elections. Across the four LGAs, election materials did not get to the Polling Units on time and where they did were incomplete. For instance in Mbaitoli LGA, accreditation of voters did not start until noon due to late delivery of materials and voters almost went on rampage but for the intervention of security agents. Similarly, there were complaints across the LGAs that ballot papers brought by INEC officials did not tally with the number of registered voters in the polling units leading to suspicions that some of them might have been diverted for illegal thumb printing. In one dramatic case at polling Unit 17, Ward 4, Okpalla village in Ngor Okpala LGA, voters refused to vote when they were told by the Presiding officer that he would use a 'Ghana-must-go' bag in lieu of the absent ballot box. His explanation that the polling clerk forgot to bring the ballot box from the collation centre was not accepted by members of the community who wanted to brutalize him but for the intervention of soldiers.
11. Finally, voters' lack of confidence in the neutrality of INEC officials in Imo State was palpable and made the task of security agents doubly difficult. In many instances voters were reluctant to give the officials benefit of the doubt on issues, which could have been easily resolved had there been trust and confidence. A typical example of this was the refusal of voters in some polling units in Mbaitoli LGA to accept the new result sheets used in the rerun as genuine because the colour was different from the ones used in the previous elections. Unknown to them this was done by INEC headquarters to forestall falsification of result sheets.

### **Recommendations**

1. Security agencies should ensure that security officials who creditably discharged their duties should be rewarded while those suspected to have played partisan roles are made to face disciplinary action accordingly.

2. There is need for improved communication between headquarters to security officials in the field. Field security officials should be briefed about any developments, especially policy changes that have been introduced after their deployment to the field. Such briefings would minimize to the barest minimum confrontations between security officials and other stakeholders in the electoral process. For instance, the obstruction of election observers with security escorts would have been averted if the authorities had briefed security officials in the field that accredited security officials would accompany some observer teams.
3. Security agencies should, without further delay, parade all persons, including security officials, apprehended for electoral offences. This is to enable the media, civil society and the concerned members of the public to follow the cases. The present silence and non-disclosure is likely to fuel suspicions that the arrested persons have been let off the hook.
4. The security agencies should institute a review of their conduct during the 2011 general elections to document lessons learned for future elections.
5. INEC headquarters should embark on comprehensive review of its performance on logistics in the general elections, with a view to finding out why it could not deliver election materials on time to polling units even in places such as Imo State, which is easy to navigate by road and the longest distance from the state capital being about one hour by road. This is an important complement to securing future elections in Nigeria.
6. Similarly, INEC should also pay serious attention to improving public trust and confidence in its ability to deliver credible elections in Nigeria, especially in the southeast and south-south regions of Nigeria, where lack of trust and confidence in the organization appear to be lowest.

Finally, CLEEN Foundation wishes to thank the Open Society Initiative for West Africa (OSIWA) and INEC for facilitating our election observation exercise.

## **POLICE SERVICE COMMISSION**

### **Guidelines for the Conduct of Police Officers on Electoral Duty (Abridged version)**

#### **Introduction**

Police officers on electoral duties have a responsibility of ensuring that peaceful conditions are maintained at the polling and counting centres during elections and that citizen's exercise of their franchise is carried out without fear of coercion, intimidation, violence or manipulation. To effectively discharge these function, the observation of the following guidelines is compulsory for every police officer on duty.

#### **1. Alertness**

Police officers on electoral duty must be prompt in responding to any form of incident which could escalate if not properly handled at the polling and counting centres. He or she must be alert in noticing and preventing incidents that could lead to disruption of voting and associated electoral processes.

#### **2. Approachability**

The police officer on election duty needs to be approachable and accessible to the voters who might need his or her assistance. Election duties provide the NPF an invaluable opportunity to contribute towards the much needed peaceful transition from one civilian to another. By performing this function credibly, the men and women of the NPF also improve the image of the organization and their relationship with Nigerians.

#### **3. Professionalism**

The police officer must be professional in his or her demeanor and personal appearance. Polling officials, the public, election monitors and observers forms opinions about the police on the basis of the officers actions, appearance, and comporment.

#### **4. Maintenance of Impartiality**

Every police officer on electoral duty must avoid fraternization with any political party in any way that could be interpreted as capable of compromising their impartiality police personnel must be equally fair, courteous, and if necessary, firm to all persons in his or vicinity of deployment, without concern for the party

top which they belong, their political or other opinions, religious, ethnic groups, place of origin, gender, wealth or other status. Any evidence or indication that a police officer on electoral duty showed bias towards one political party or another in any form has the potential to undermine the integrity of the elections and will be investigated by the PSC, with disciplinary action being taken where appropriate.

#### **5. Fairness**

Elections are usually politically charged. Public sensitivities are bound to be unusually high with different people supporting different parties. The way the police officer handles a situation is liable to be interpreted differently by people of different political persuasions. Police officers on election duties must always strive to be fair to all and to avoid conduct that could be seen as high-handed, unfair or politically motivated. An officer's action, if viewed as excessive or unfair, could lead to election-related conflict. Each person who witnesses the response to a given situation forms an opinion of the officer, the agency that deployed him or her, and the elections. Above all, there are also persons on the lookout for any opportunity or excuse to cause trouble. Police officers must never provide such people with an excuse to generate hostilities and cause the elections in their duty station to fail.

#### **6. Use of force**

- (a) Every voter has a right to life, physical and psychological integrity.
- (b) It is unlawful for a police officer to use excessive force in dealing with voters.
- (c) Force should only be used when necessary to restore law and order, prevent violence or injury to life or limb and should always be proportional to lawful objectives.
- (d) The use of force by the police officer on election duty is a very serious matter. Any such incident must be promptly documented reported to the superior officer of the officer involved.
- (e) The PSC will investigate and take appropriate action on every incident of reported use of force by officers on election duty.

#### **7. Communication with Superiors and Commanders**

In the event of a threat to or a breakdown of law and order during election, officers on duty must immediately report the incident to their superior or commander in accordance with standard operational procedure.

**8. Awareness of the Electoral Law**

- (a) Every police officer on election duty is expected to have a good working knowledge of the electoral law, especially the section on the electoral offenses, which he or she is obliged to enforce. These offenses are enumerated above under the section on electoral offences.
- (b) Unit commanders have an obligation to brief and communicate contents of the electoral law to the men and women under their supervision and command
- (c) Communication of the electoral law from the unit commanders to the officers should be in a manner and at a time close enough to the election that is most likely to capture their attention and be retained.

**9. Reporting**

- (a) Every police officer on election duty is obliged to file a written report at the end of his or her duty period.
- (b) The report should include an account of any and every incident that required police intervention at the polling centre and any other incidents that in the judgment of the reporting officer, should be brought to the attention of his superior or authorities
- (c) The report should be submitted to the Superior or Commander of the unit not later than 24 hours after completion of election duties. The superior Officer to whom these reports are handed is obliged to preserve them
- (d) Omission to file or destruction of such reports will be viewed as an infraction requiring disciplinary actions.
- (e) INEC, in consultation with the IGP, shall determine and inform the PSC about operational arrangements for ensuring that electoral incidents reported by Police officers on election duty acted upon effectively and promptly.

**10. Wearing of Identification Tags**

Every police officer on election duty must wear his or her name and number tags in bold print, for easy identification by voters, monitors and observers.

**11. Cooperation and Collaboration**

Police officers on election duty have a duty to co- operate and collaborate with other role players in the electoral process in order to ensure the conduct of free, fair and credible elections. They are also expected to comply with lawful instructions by the presiding and returning officer.

## **CLEEN FOUNDATION'S PUBLICATIONS**

- JOURNEY TO CIVIL RULE**  
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